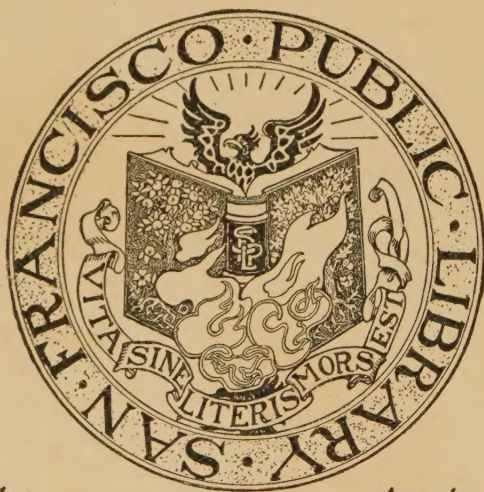




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COLLECTIONS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

Committee of Publication.

CHARLES DEANE.

JUSTIN WINSOR.

ARTHUR LORD.

COLLECTIONS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

VOL. IX.—FIFTH SERIES.

Published at the Charge of the Massachusetts Historical Trust Fund.



BOSTON:
PUBLISHED BY THE SOCIETY.
M.DCCC.LXXXV.

University Press :
JOHN WILSON AND SON, CAMBRIDGE.

34941

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EDITORIAL NOTE.

"THE TRUMBULL PAPERS" in the Historical Society's archives, of which this volume is the first to be printed, consist of twenty-eight folio volumes and two volumes in quarto. The Society came into possession of the papers in the following manner.

In April, 1794, three years after the Society had been instituted, Dr. Belknap, the Corresponding Secretary, received the following letter.

REV. J. BELKNAP: —

SIR, — My father, the late Governor Trumbull, collected with care the most important official papers which passed through his hands during the very interesting period of the Revolution, with the intention that they should be preserved and deposited in some public library, as materials for future historians.

Had the Massachusetts Historical Society existed during his life, there is no doubt that he would have chosen to give them to an institution whose patriotic views they would so directly subserve, in preference to a collegiate or other library, where they probably would soon become "food for worms."

His heirs, therefore, think they cannot so well fulfil the Governor's intentions on this subject, as by offering them, as I am commissioned to do, to the Massachusetts Historical Society.

You will be pleased to communicate this offer to the Society in our names, permitting us to suggest the propriety of their sending some person to make a selection of such papers as may be thought most useful, should it be thought an object worth your personal attention. We shall be happy to give you the best evidences in our power of the respect which we especially have for you.

I am, sir, your most obedient servant,

DAVID TRUMBULL.

LEBANON, 15 April, 1794.

David Trumbull, the writer of this letter, was the third son, the second then living, of Governor Jonathan Trumbull of Connecticut, who had died nine years before, that is, on the 17th of August, 1785.

Dr. Belknap laid this communication before the Historical Society at the next meeting, on the 11th of June, the record of which recites that a letter was read "from David Trumbull, Esq., offering the valuable papers of his father, and desiring that the Society would send some person to make a selection of those which may be proper for their use."

"*Voted*, That the offer be accepted, and that the Corresponding Secretary be requested to write a letter of thanks to David Trumbull, Esq., in the name of the Society, and inform him that a suitable person will be sent to Connecticut as soon as possible to make a selection."

At the meeting of the Society on the 28th of April, next year, 1785, it was

"*Voted*, That Dr. Belknap be requested to take a journey to Lebanon for the purpose of inspecting the papers of the late Governor Trumbull, and that the Society engage to bear one half the expense of the journey."

In Dr. Belknap's interleaved almanac for this year occur these entries:—

"*July 7.* I set out in the mail stage for Providence, Norwich, and Lebanon, to visit the family of the late Governor Trumbull, and select papers for the Historical Society.

"*9th.* Got to Lebanon. Stayed there till 13th; then set out for home; and arrived safe, 15th, at five o'clock P. M."

At a meeting of the Society on July 30th, this record was made:—

"Dr. Belknap informed the Society that he had been to Lebanon, in Connecticut, and examined the books and papers of the late Governor Trumbull, a general list of which he read, adding that they would be sent forward by the packet in August. He also exhibited his account of expenses, amounting to \$17.19, one half of which is to be paid by the Society."

Dr. Belknap's almanac for this year continues its record:—

"*Dec. 12.* Arrived at my house the chests and boxes of papers from Governor Trumbull's at Lebanon. They were sent from Nor-

wich, carted across Cape Cod, and thence brought up to Boston in a vessel from Barnstable."

It is quite probable that the Norwich and Boston packet, — perhaps it was "Harris, the Norwich coaster," who plied between these two ports, — on board which these papers were shipped, was cast away on the south side of Cape Cod. Dr. Belknap records in his almanac, on the 8th of this month, a great storm and wrecks on the coast.

At a meeting of the Society on the 26th of July, 1796, it was

"*Voted*, That the Librarian and Judge Minot be a committee to take a list of the manuscripts presented by Mr. Trumbull, and other manuscripts which are on the files."

These Trumbull Papers, probably not long after they were received, were roughly classified and bound in volumes, making twenty-three in number. Volumes 1 to 18 cover the period in order from 1750 to 1783; Vol. 20, from 1769 to 1783. Vol. 21 consists of "Susquehannah Papers" (which were probably bound together as they now are when received). Vol. 22 consists of early papers relating principally to the Narragansett country, yet including several of a miscellaneous character. Vol. 23 consists principally of printed papers and broadsides. Vol. 19 was burned when Mr. Savage's law office was destroyed in the Court Street fire of 1825. Mr. Savage was then preparing Winthrop's History for the press, and had taken several rare volumes from the library of the Historical Society for consultation, all of which were lost. See Proceedings, I. 392, 393. This volume contained early precious papers, but Mr. Savage said, in 1846, that "the most valuable part of all that volume had been recently printed in the first of third series," in 1825. Proceedings, II. 332. An additional volume, more recently bound, not numbered, contains "Military Returns," from 1752 to 1784.

These twenty-four volumes (or twenty-three, if we exclude Vol. 21) probably comprised the papers originally received in a loose or detached condition.

An unnumbered volume, labelled "Washington," contains principally official papers, the greater part of which were only signed by him, — 1779 to 1783. There are four letter-books, containing copies of official letters, as well of those received as

of those written, covering a period from 1753 to 1779. Letters of Washington, Schuyler, and Gates are included among others. The letters of Washington are numerous. One of these volumes consists largely of Governor Trumbull's correspondence with the President of the Continental Congress.

One volume of quarto size contains the letters of Dr. William Samuel Johnson, agent for Connecticut in London during the years 1767 to 1771, addressed to Governors Pitkin and Trumbull. The letters were bound together when received.

Another quarto volume consists of the manuscript copy, in several parts, of Winthrop's Journal, from which ultimately the volume was printed, in 1790, by Elisha Babcock, in Hartford. At the end are several pages of extracts from Winthrop's Journal, made by Governor Trumbull. This volume was evidently bound by the Society.

It will be seen that the Trumbull Papers now comprise thirty volumes.¹ These have always been open to the use of historical students and investigators, under the rules which apply to all the Society's manuscripts. No purpose has hitherto been formed of printing in a series of volumes this large mass of papers, the greater part of which belong to the period of the Revolutionary War, and consist of correspondence with Governor Trumbull himself on a great variety of topics; "the matter being extremely miscellaneous," said Mr. Savage, in a report on these papers nearly forty years ago, "the value attaching to which must be ascertained in general one or two hundred years hence," some of the papers probably existing in duplicate. Two or three years ago, however, at the earnest solicitation of the President of the Society, a movement was made to enter upon this work, namely, "to publish the Trumbull Papers," and a committee was appointed, but nothing was done. In June of last year the present committee was appointed "to publish a volume of Trumbull Papers," the previous committee having been dissolved. One volume was all that the present committee, or its chairman, was prepared to undertake.

In selecting, therefore, materials for a single volume from this large mass of manuscripts, with no plan of making it one of a series of volumes, the Committee aimed to bring together such

¹ We do not include a small duodecimo memorandum-book of Governor Trumbull, in several parts, bound together, 1771-1775.

papers as would form a unit of themselves, or which would not be a mere section of a larger whole. They also thought it would be desirable to print the papers of earliest date, if any considerable number could be found that would conform to this general plan. In examining the papers it was seen that Vol. 22 consisted of documents belonging to the seventeenth century, which related principally to the Narragansett country, — a territory whose jurisdiction for many years was the subject of controversy between the Colonies of Connecticut and Rhode Island, which was claimed by the heirs of the Duke of Hamilton, and also in part by the Atherton Company, whose members were largely residents of Massachusetts. The papers in this volume related to all these controversies. Several letters and documents had no immediate connection with those described, but were regarded as too important to be omitted should the others be selected. The committee decided to print these papers, and to include everything except generally such as had already been published; and these are enumerated below.

The papers in Vol. 22 make, however, but 209 pages, or about one half a printed volume of the usual size. To complete this, the committee have printed the volume of letters of Dr. William Samuel Johnson, before mentioned. Johnson was appointed to represent the Colony in London in the somewhat famous "Mohegan Case," which on appeal was tried before the Privy Council, and was finally settled in 1771. It was a very vexatious case, which had been in the courts for over seventy years. The final trial at this time was attended also with great delay and expense. But Johnson, while patiently waiting the slow movements of Privy Councillors and attorneys, attended the debates in Parliament, which at that time intimately concerned America. His agency covered the exciting period which immediately followed the repeal of the Stamp Act, and included the passage of the Townshend Act, and its partial repeal, the exception being the one offensive article of tea; while in America the riots in Boston, the non-importation agreements in the several Colonies, &c., all tended to kindle the feeling of hostility in Parliament. Johnson regularly attended its sessions. He was a man of rare insight, great common sense, and most excellent judgment, and his letters, written with great elegance of style, graphically report the proceedings of Parliament and the speeches of the members.

At the end of the volume will be found a few letters of Colonel, afterwards General, Jedediah Huntington of Connecticut, to Governor Jonathan Trumbull, written from the army before Boston, during the siege. Colonel Huntington was stationed with his regiment at Roxbury, from which place his letters are principally addressed.

Many of the earlier papers in this volume are transcripts, often in unknown hands, and it was not thought necessary or desirable to perpetuate in print their peculiarities in spelling or punctuation. In these respects, therefore, they have been made to conform to modern usage; and, indeed, this remark will apply to all these early papers. Abbreviated words have been spelled out at length. The spelling of the names of persons and places has been scrupulously preserved. The papers of the later period, which consist principally of Dr. Johnson's letters, fall so naturally into the class of modern writings, that the rules of Mr. Wilson's printing-office, which have been applied to them, would find little to change.

Dr. Belknap appears to have been so favorably impressed with the value of Dr. Johnson's letters, as historical material, that he early formed a purpose of printing them in the Historical Society's Collections. He therefore addressed a letter to Dr. Johnson, then President of Columbia College, New York, asking his consent to their publication. The following correspondence in Dr. Belknap's hand, is preserved in the Letter-Book of the Massachusetts Historical Society. Dr. Johnson's letter written to him in reply is no longer on file.

To W^m Sam^l Johnson, Presid^t of New York College.

BOSTON, November 7, 1795.

SIR,—By the favor of the Trumbull family in Connecticut, the Historical Society in this State have become possessed of a large collection of manuscripts, and among them a quarto volume of your Letters to Governor Pitkin and Governor Trumbull during your agency in England from 1767 to 1771. We esteem them so valuable materials in the history of our country, that we contemplate the publishing of them in our Collections, which are given to the public once in every three months; but delicacy requires that we ask your permission, and therefore I address you at this time, hoping you will not deny us this request. At the same time, sir, permit me in the name of the Society

to ask whether it be in your power to contribute anything further to aid the cause in which we are engaged, and whether we shall have an opportunity to thank you for any further communications.

I am, &c.,

JEREMY BELKNAP, *Cor. Sec.*

To the foregoing I received an answer dated the 15th of December, which is on file; and immediately wrote the following to Jonathan Trumbull, Esq., Senator of the United States in Congress.

BOSTON, December 26, 1795.

DEAR SIR, — I think it my duty to enclose to you copies of a letter which I wrote to Dr. Johnson, and his answer, received this day, that you may be able to advise me what kind of reply to make to him. My letter was dictated by the purest respect and delicacy, and I do not wish to reply to him in any other style; but I think it highly proper that you should see what he has written to me, and be able to compare it with what he may possibly write to you.

The Letters which we wished and asked his permission to publish were doubtless the *property* of Governor Trumbull, and by him destined as materials for a part of American history. The *property* has been fairly transferred to our Society and I do not see any reason that Dr. Johnson has to expect that we will *return* them to him. The publication of them would do him honor, as he appears in them to have been a firm friend to the liberties of his country, and a faithful, vigilant, discerning agent, detecting the artifices, evasions, and blunders of the British Court, and giving the best information, advice, and caution to his employers. There is nothing in them that can “injure his character,” much less, that can “insult the public”; and why his indignation should be raised to such a degree is beyond my power to conjecture. His letters are not in the hands of “mercenary booksellers nor avowed enemies,” and had he expressed his disapprobation of our wish in terms *less energetic*, he would have answered his purpose full as well, and have saved me and you the trouble and disgust which we must feel from perusing his letter. I add a copy of the letter from your brother, by which we were first made acquainted with Governor Trumbull’s intention, and from which it will certainly appear that your family do not merit the harsh and abusive censure of “violating private friendship and public trust.”

I shall suspend writing to him till I hear from you.

I am, &c.,

JEREMY BELKNAP.

The Rev. Jeremiah Belknap, D. D., Boston.

PHILADELPHIA, 15 January, 1796.

DEAR SIR, — I have your favor of the 26th ult. with its enclosures. Before this time I hope you have received mine of the 24th of the same month, written in consequence of what I had received from Doctor Johnson.

The Doctor had given me a pretty *faithful* detail of what he had written to you: his style, his manner, and, above all, his *very great anxiety*, I confess surprised me much; nor am I able *now* to account for it. I have conjectured, however, two causes. One, a fear lest something should appear from those letters to *fix a suspicion*, which attached itself to him during our Revolution War, of his too great predilection for the British nation. The other cause, perhaps, that *nice feeling* for reputation, which is apt to attack you *literary gentlemen*. The latter, I suspect, is the greater motive to his concern, for the reasons given by himself: such as “the letters having been written by him in a hasty manner, on the spur of the occasion, as opportunities presented, &c.”; which might lead him to suspect that inaccuracies might have occurred, which, to appear to the world without his correction, might serve to injure his *literary* reputation. Although on this score he may not, as I fancy, have much *reason* for apprehension, yet his *sensibility* may be alarmed, and may have formed to himself an excuse for his *precipitate prohibition*. But be his reasons what they may, I have so great a respect and regard for the *old gentleman*, that I am very sorry for the pain he seems to have felt on the occasion, and am disposed to give him all the quiet I can, consistent with other duties and relations.

You will have seen by my first letter to you that I wished to *calm* the very great anxiety of Dr. Johnson; but perhaps it may be unnecessary to *precipitate a redelivery* of the volume in question to *him*, or any other person, at present.

With much esteem and regard, I am, dear sir,

Your obedient servant,

JONA. TRUMBULL.

Dr. Belknap relinquished his plan of printing the letters, in deference to the feelings of the writer of them, and in so doing paid Dr. Johnson a high compliment by saying, “I have read the letters repeatedly with delight, and have gained a better idea of the political system than from all the books published during that period.” See *Life and Times of William*

Samuel Johnson, LL. D., by E. Edwards Beardsley, D. D., LL. D., p. 150.

Below is a list of papers in Vol. 22 of the "Trumbull Papers" not printed in this volume, pointing out the places where they may be found already printed. Each paper in the volume is numbered as below.

- No. 2. Coginiquand's Deed to the Atherton Proprietors, July 4, 1659. In R. I. Col. Rec., III. 227, under 1687.
- " 6. Report of Cranfield and others, Commissioners to the King, Oct. 20, 1683. In 1 Mass. Hist. Soc. Coll., V. 235, and R. I. Col. Rec., III. 140.
- " 8. Major Willard's Commission, Sept. 25, 1654. The form is in the Records of United Colonies, II. 130.
- " 9. John Winthrop to the Colony of Connecticut, about New Haven, March 4, 1662-3. New Haven Rec., II. 498, and Trumbull's Connecticut, I. 520.
- " 10. Duplicate of No. 2.
- " 11. Coginiquon's Deed to Atherton Proprietors, June 17, 1659. In R. I. Col. Rec., I. 464.
- " 18. John Winthrop, Jr.'s Commission, 18th July, 1635, and Articles between Lord Say and Seal, and others, 7 July, 1635. In Trumbull's Connecticut, I. 497, 498. Also citations as to boundaries from several New England charters, all in a comparatively modern hand.
- " 19. Coginaquon's Deed to Atherton Proprietors, 11th June, 1659. In R. I. Col. Rec., I. 464, not accurately printed.
- " 20. Duplicate of 49.
- " 24. Nicolls, Carr, and Maverick's Order relative to King's Province, Sept. 15, 1665. In R. I. Col. Rec., II. 95.
- " 26. Extracts from the Colonial Records of Connecticut, under May 16, 1661, relative to an Address to the King respecting a new Charter. In Records, I. 367, 368.
- " 27. Extract from the Rhode Island Colony Records, relative to the Government of the King's Province. In Records, II. 226, 227.
- " 28. Agreement of Uncus and others, in behalf of the Indian people of Winsor, Hartford, &c., Aug. 3, 1666. In Colonial Records of Connecticut, II. 41, 42.
- " 30. Duplicate of 46.
- " 37. Duplicate of 36.
- " 44. Duplicate of 38.

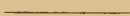
- No. 53. Narragansett Sachems' Deed to the Atherton Company, Oct. 13, 1660. In R. I. Col. Rec., I. 465.
- " 66. Lord Say and Seal's Letter, July 10, 1661. In Hutchinson, I. 220, 221, *note*.
- " 70. Petition of William and Anne, Duke and Duchess of Hamilton, May 6, 1664. In Trumbull, I. 524, 525.
- " 72. Copy of Conclusion of Commissioners respecting Connecticut Charter, Sept. 17, 1662. In Rec. United Colonies, II. 286, 287.
- " 77. Extracts from the Colonial Records of Connecticut relative to John Winthrop's visit to England to procure a new Charter, &c., June 7, 1661. In Records, I. 369.
- " 78. Plymouth's Agreement with King Philip, Sept. 28, 1671. In Plymouth Col. Rec., VI. 79, there dated Sept. 29.
- " 81. Extract from Colonial Records of Connecticut, under May 12, 1670, relative to the appointment of a Committee to meet a Committee from Rhode Island, to confer about boundaries and other grievances. In Records, II. 134, 135.
- " 84. Petition and Remonstrance of the Inhabitants of King's Province to James II., July 29, 1679. In R. I. Col. Rec., III. 58-60. Names do not quite correspond.
- " 86. Extract from Colonial Records of Connecticut, May 10, 1679. Petition of John Saffin, in behalf of sundry gentlemen claiming rights in the Narragansett Country. In Records, II. 315, 316.
- " 87. Extract from Colonial Records of Connecticut, May 9, 1678. Answer to a Petition of Waite Winthrop for liberty to settle a number of families in the Narragansett Country. In Records, III. 15, 16.
- " 89. Rhode Island Act, Oct. 30, 1672, repealing the law against the Atherton Proprietors. In Records, II. 477, 478.
- " 90. Fragment of Agreement between Thomas Savage and others, on behalf of Connecticut, and sundry Indians, relating to Narragansett. The whole in Hutchinson, I. 289-291, *note*.
- " 91. Duplicate of 89.
- " 99. General Assembly of Connecticut to Commander of the Dutch Fleet, Aug. 7, 1673. In Colonial Records, App., II. 561.
- " 100. Commission to Cranfield and others, April 7, 1683, to inquire in the Claims to the Narragansett Country. In 1 Mass. Hist. Soc. Coll., V. 282, 283.

- No. 101. Declaration of the Commissioners of the United Colonies respecting the Dutch Fleet, Aug. 27, 1673. In *Rec. United Col.*, II. 387.
- “ 105. Secretary Nicholas Bayard's Answer, in Dutch, to No. 99, from Fort William Hendrick, Aug. 24, 1673. For English version, see *Colonial Records of Connecticut*, II. 561, 562.
- “ 111. Duplicate in part of 103.
- “ 116. A printed broadside summons of a meeting, Aug. 22, 1683, in the Narragansett Country, under Commission to Cranfield, No. 100, signed by William Wharton. In *1 Mass. Hist. Soc. Coll.*, V. 233.
- “ 120. Connecticut Agreement with Uncas, May 18, 1681. In *Colonial Records*, III. 309-311.
- “ 122. Duplicate of 120.
- “ 124, 125. Duplicate of 6, with signatures and a brief addition, omitted in former copy.
- “ 131. Governor Winthrop's Address to the King, in 1661, in the name of the General Court of Connecticut. In *Records*, I. 582.
- “ 132. Andros's Commission. In *3 Mass. Hist. Soc. Coll.*, VI. 139.
- “ 133. Act for quieting men's Estates, an English Law from Statutes at Large, printed in London in 1676.
- “ 134. An obscure writing of one sheet of paper, apparently in the hand of John Winthrop, Jr., labelled, “Nenecunnatt, Speeches at Nameag, Feb. 1646. The examination of John, the Poquannuk Indian.” Probably nowhere printed.
- “ 155. Extracts from *Colonial Records of Connecticut*. Request of Oweneco, Oct. 13, 1692, and Petition of New London, May 13, 1703. In *Records*, IV. 88 and 415.

NOTE. — About forty years ago, after the Society had had possession of the Trumbull Papers for fifty years, a claim was made to them by the State of Connecticut, as belonging to the archives of that Commonwealth. The demand was not acknowledged by the Society. The action taken respecting the claim may be seen in the *Proceedings of the Society*, II. 322, 323, 331-333, 343-346, 357-359.

Boston, February 2, 1885.

THE TRUMBULL PAPERS.



EARLY MISCELLANEOUS PAPERS.

THE TRUMBULL PAPERS.

RICHARD DAVENPORT TO GOVERNOR WINTHROP, OF
MASSACHUSETTS.¹

To the Right Worthily Honored Governor of Massachusetts, these present.

POSSESSION HOUSE,² this 4th day of the week, month 6, [1637].

HONORED SIR, — My most humble and due respect to your Worship, Mr. Deputy, my Colonel, with all the rest of our noble worthies.

Sir, the messenger staying for us, I must make haste. How God hath dealt with us, I doubt not but your Worship hath full intelligence by them from Block Island. Now, since their departure, there came some Mohegens to the house, and brought the [new]s of a great sachem,

¹ This letter was written from Connecticut in August, 1637, near the close of the Pequot war. Some parts of it are illegible, and particularly the latter portion of it; but the name of Richard Davenport is sufficiently clear as the writer. It is well known that he was on service as Lieutenant in a Massachusetts company, and was wounded in the swamp fight, as the writer of the letter says that he was. — Eds.

² “The ‘Possession House’ was the house built by Stoughton, on or near the neck of land on which Fort Trumbull now stands, in New London. See Miss Caulkins’s History of New London, pp. 36 and 37, and *note*; also pp. 104 and 105. It is repeatedly mentioned in the discussion, before the Commissioners of the United Colonies, of the Massachusetts title to the Pequot country by conquest and occupation.” — *J. Hammond Trumbull*, Manuscript Letter, March 1, 1884.

Mr. Trumbull can give us no light upon the location of another place mentioned near the end of the letter, — “Marriage Point.” A name of kindred significance was given at a later period to a place in the Pequot country, in commemoration of an interesting incident related in Miss Caulkins’s History of New London, pp. 48-50, — “Bride Brook.”

“Qenepiake,” of course, is New Haven. — Eds.

as they said greater than Sasacus, he being Momonohuk's son, — a mighty fellow for courage, and one that I know by some experience his desperateness in the swamp; for as I gather by the description of him, and also the Indians' report that slew him, that he said he killed one in the swamp, shooting him in the belly, and another he killed with arrows, which was myself. But, blessed be God, we all live. Two days after this, the same Indians killed another, who was then run away from Sasacus. He said he thought that Sasacus was killed; for that Monowhaak had beset the wigwam where they were, and so fell upon them, and this man, lying at the door, ran away. But what credit to give to it, we knew not. Two days since I went up to the head of this river, with twenty men, to cut corn or gather beans; and coming thither I found a great company of Mohegens, who were returned to their country, — about five hundred of men, women, and children. They were somewhat fearful at first, but after spoke with us, and lovingly entertained us. They tell for certain that Sasacus is killed, as the former suspected, and forty men with him, and some women. Six men are escaped, whereof Mononotak is one. I perceive the Indians would be glad to make women of all the Pecotts now, except the sachems and captains and murderers; but them they would kill. They seem to fear the Naregansick men, but hope the English will not suffer them to be wronged. Captain Stoughton is gone a week since to Conetecutt plantations; and I hear that the sachems of Long Island do now wait for him with their tribute at the river mouth. I suppose, under favor, this place will not prove good for a plantation, so far as I can judge, having seen the greatest part of the country; but I must extol Qenepiake and Marriadge Point. But this I knew you heard of. I see not what business here will be for many men long. I know not Captain Stoughton's mind till his

return about marching [*illegible*] the Nipnets home. My Captain and myself are for it.

[Some] of our soldiers have no mind to work, and how they would fight I know not. They murmur much for butter and cheese, etc. But I hope God will give so much wisdom to endeavor their pacifying. I confess some spirits here will trouble a patient man. My Captain humbly salutes you, with the Council. For myself, dear sir, I bless God I am wholly recovered of my hurts; only some [*illegible*] I want. My Captain desires some goose shot by the first. [*Rest of the letter illegible.*]

RICHARD DAVENPORT.

Indorsed, "Rec^d 6, 25, 1637."

CONNECTICUT'S CLAIM TO THE PEQUOT COUNTRY.

The Colony of Conecticut doth challenge a just interest in the jurisdiction of the plantations in the Pequot country, by the possession taken by the agent of the first proprietors of Seabrooke, according to their first patent, at the first settling of Seabrooke fort.

Sept. 23, 1650. But the Commissioners of Connecticut not having at present any other copy of their patent than what was formerly presented, and the Commissioners for Massachusetts standing upon the original, or a copy under seale, or sufficiently witnessed to their satisfaction, there could be no agreement for present.¹

ED: HOPKINS, <i>President</i> .	THEOPH. EATON.
SYMON BRADSTREET.	THO. PRENCE.
WM. HATHORNE.	JOH. BROWNE.
JOH. HEINES.	STEVEN GOODYEAR.

¹ These brief memoranda taken from the "Records of the Commissioners of the United Colonies," relative to Connecticut's claim to the Pequot country, are not in precise chronological order. They are in the hand of John Winthrop, Jr. The entire Records, being now in print, may be consulted with ease. They comprise one of the most valuable sources of New England history. — Eds.

Concluded.—Sept. 18, 1646. There it was concluded, that whereas the Commissioners for the Massachuset propounded their interest by conquest, and Conecticut by patent, purchase, and conquest, they concluded that unless the Massachuset hereafter show better title, the jurisdiction should belong to Connecticut.

At a meeting concluded Sept. 17, 1647, declared that jurisdiction goeth constantly with the patent, and concluded that the jurisdiction of that plantation doth and ought to belong to Connecticut.

The same year 1647, Sept. 17, concluded about Niantek lands.

At the meeting concluded at Plimouth, Sept. 19, 1648, the Commissioners have testified under their hands in these words, page 173 of Boston Book :—

The copy of the patent for Connecticutt hath formerly been viewed by the Commissioners, and lately owned in England; but was not either called for the last year or not so insisted upon as to make any demur upon the Commissioners' proceedings; but upon demand the copy of the said patent was now produced and read, by which it clearly appeareth that both the place and jurisdiction is granted to the lords and gentlemen, and their associates or assigns. At the meeting of Commissioners at Plimouth, Sept. 19, 1648, alleged by the Commissioners of Connecticut, page 168 of Boston Book, that the copy of the patent was seen when the confederation was made; and the thing itself was well known to many, and lately owned in England by the Commissioner, &c.

Whereas the Colony of Connecticut did always challenge the jurisdiction of the Plantation in the Pequot country by their first patent; which patent was owned fully by the Commissioners, and attested as approved by them after the sight of the copy.

THOMAS MINOR TO JOHN WINTHROP.¹

To the Worshipful John Winthrop, Esq., at his house at Pequit, these present, with trust.

SIR, — I hope that you and yours are all well. After my service to you remembered, I desire to acquaint you with God's mercy to me and my wife and little one, bringing us safe along through the country, though very weary, having not the help of any horse, but came all the way from the trading-house to Poquatucke afoot. Sir, my father Palmer desired me to remember his service to you. Moreover, as I came through Ninicrat's country, he sent for me and my wife to his house; and it was to entreat me to send to your Worship concerning some news that he hears, that Uncus's men have taken a canoe of his and some of his men which he sent to the southward. Upon this occasion there came two of the Ambukes with him, which live to the southward, to whom he gave ten fathom to come with him, and to fetch that which he owed to the Ambukes; that is to say, for two guns, three raccoon coats, two bearskins, and one painted skin of great price, and some physic. Moreover, he says that the two southward Indians had a great deal of wampum given them at dancings in the Narraganset country, and some they won at play; and one of them sold a gun to one of Ninicrat's men, which Ninicrat says that this is the things for which the wampum that is in the canoe was sent. Moreover, Ninicrat says that he have plotted no evil, nor wrought no evil against the English; and further, Ninicrat would pray you to stand his friend, that his men which is taken may not be

¹ Thomas Minor, formerly of Charlestown, Mass., then of New London, was probably now a resident of Southerton, to which place his father-in-law and Mr. Cheesebrook had removed, and from which this letter was written. See Mass. Col. Rec., Vol. IV. Pt. I. p. 353. — Eds.

killed, neither dismembered of hands, feet, fingers, nor toes. He desires also that his wampum which he sent to pay that he owes may be restored again. As near as we understand, he said also that he stands in fear of the English, and therefore paid his tribute; and should he practise other ways, this, as near as we can, I have written to you what we understood both from Ninicrat himself, and likewise the same is confirmed by one of his chief men that came to Goodman Cheesbrooke's, and stood by when I was writing. So, with haste, I rest yours to command.

THOMAS MINOR.

From Mr. HAINS, forward the
2d of April, 1653.

Indorsed, "Tho: Minor, about Ninicraft's message."

THOMAS JAMES TO JOHN WINTHROP.

To the Right Worshipful John Winthrop, at Pequott.

WORTHY SIR,—The occasion of my writing to you these few lines is this: our sachem of Montacutt hath had, both formerly and now of late, several messengers from Uncas, the Mohegin sachem, to this purpose: that, if he would send him wampum, he would avenge him upon the Narrhigganset, for the blood they shed last year; and I perceive he is somewhat jealous of his faithfulness towards him in this matter, yet at last is willing to venture somewhat that way, and hath sent, as they say, seven hundred fathom of wampum for the present, and more by a great deal he shall have hereafter, if he stand up of his side; only I perceive the sachem here, being wise, is fearful of giving also offence to the English any way. Therefore, he desires your Worship might be acquainted with it, either to stop it if you think not

well of it, or to be a witness of the unfaithfulness of Uncas, if he shall deceive him in this matter. So I rest, my best respects remembered to yourself and Mr. Blinman, though unknown, and humbly take my leave.

Yours to command in any office of love,

THOMAS JAMES.

EASTHAMPTON,¹ April 4, '54.

AMOS RICHARDSON TO JOHN WINTHROP.

BOSTON, July 9, 1659.

To the much-honored John Winthrop, Esq., Governor of Connecticut Colony, at Harford, this present.

HONORED SIR, — After my service presented unto yourself and Mrs. Winthrop, and all yours for whose absence I was troubled that I did so unhappily to delay one day too long in my coming to New London, so that I could not speak with you there, I had thoughts to come up to Harford; but the weather being so hot, I darest neither venture myself nor my horse. Sir, you may remember, when I spoke with you last at New London, I gave you a hint of my intents concerning the Narragancet country, which business, as I conceive, is fully effected with the chief sachem. The quantity, as I judge, is twelve mile alongst in the Narragancet Bay. The trading-house being in the middle, it is judged to be the only place in the country for a plantation. There are at the present seven purchasers besides yourself. The purchase hath cost six score pound. Many there is that would willingly join in it; but we shall do nothing before we speak with you, yourself being mentioned first in the purchase. Those that are concerned

¹ On Long Island. See Thompson's Long Island, I. 295. — EDS.

in it is Major Adderton, Mr. Smith and his son, Lieut. Hudson, Captain Hutchinson, Mr. Tinker, and myself. But if this come once to be settled, it will make Quinnebawge of greater value. As concerning our friends at Wennam, Mr. Newman was here the last week; but Mr. Maygate hath been there since, who can inform you concerning their health. As for news I have not any at present, only things are pretty sad in regard of old Mr. Duncome in respect of his late losses disenables him of satisfying his creditors. They now coming upon him forceth him to leave off his dealings, and I doubt his son in the same condition; so by this we may see the uncertainty of these outward things. Thus I rest yours to command,

AMOS RICHARDSON.¹

Sir, I would entreat you to remember my service to Mr. Stone.

Indorsed, "Mr. Richardson about the purchase at Narraganset."

SCUTTUP'S CONFIRMATORY DEED.

Whereas Coginaquand hath given to Mr. John Winthrop and Major Humphrey Atherton and partners two parcels of land lying in Narragansetts country, as appears by two writings, one bearing date the 11th of June, 1659, the other the 4th of July, 1659, as may more amply appear: Now we, Cosuequansh and Scuttup, chief sagamores or sachems of Narragansetts, do freely and absolutely give and make over all our right and interest in both the said parcels of land to the said Mr. John Winthrop

¹ The reader is referred to Savage's Genealogical Dictionary of New England for information about the writer of this letter. — Eds.

and the rest of his friends, according to the contents of the said writings. As witness our hands, the fifth day of August, 1659.

The mark \ of SCUTTUP.

Signed and delivered in the
presence of us, —

VALENTINE WHITMAN, *Interpreter.*

JOHN SASSAMAN, *Indian Interpreter.*

EDWARD HUTCHINSON.

The mark of PANATUK, X *Indian.*

John Sossaman affirmed before the court, that, having subscribed his name as a witness to the writing within written, was present when Scuttup, the sagamore within mentioned, signed and subscribed his name by his mark to the same, and that he as an interpreter did read the said within written to the said Scuttup before he signed it, so as he well understood what he did. And was also present with [when?] Cosuequansh, the other chief sagamore, said unto Scuttup that what he did in relation to the confirmation of lands by Cogiquand, given to the gentlemen within mentioned, as in two other writings may appear, he did and would own as done by himself, and further saith not; only Cosuequansh in his hearing said that the land within given was not so properly his as it was Scuttup's, and therefore what he did was good. That this was so affirmed on the 24th 2d month, 1660.

Attests :

EDW : RAWSON, *Recorder.*

Indorsed, "Scuttup's confirmation of the deeds from Cojanaquand.
Aug. 5, 1659. No. 3."

RHODE ISLAND ASSEMBLY TO THE COMMISSIONERS OF
THE UNITED COLONIES.

*To the much-honored the Commissioners sitting at Hartford or elsewhere at
Quoneticot for the United Colonies in New England.*

HONORED GENTLEMEN,—Yours, we being informed, are to meet at Quonecticut, Commissioners for the United Colonies: and there lying some grievance upon us, by reason of the indirect proceedings of some within your Colonies in going about to purchase lands of the Indians without our knowledge or consent, which land is within our charter: Now, to the end that offences may be prevented, and peace may be still continued, we have made our addresses unto yourselves by these few lines, hoping that your wisdom will weigh and consider how just it is that we should endeavor by all just means to maintain our due rights, as we know yourselves would do in the like case. If any of the inhabitants of our plantations should come into yours and buy lands of the natives without your order and consent they should not only lose their lands and their moneys paid for it, but be fined also at your pleasures. And as you have a law by which all are prohibited from buying any land of the natives, the like law was established amongst us before any such purchase was made as is now pretended by yours. And in truth, had there been liberty for any to have purchased land for themselves without a particular order from our Court, this land, now said to be purchased by some of yours, had been purchased by some of ours before this time.

Gentlemen, we doubt not but you well remember about twenty-two years since many of ourselves had our abode with you, and because we could not comply with you in your proceedings in banishment, etc., and ourselves being desirous of liberty of conscience for all conscientious men in the worship of God, and were such men as lived justly and uprightly in the kingdom of

men ; but this would not be granted, nor by your courts tolerated, and so were some banished and others forced and constrained to depart, and thereby caused to cast themselves wholly upon the Lord in seeking to find a rest in the wilderness ; and in that time God was very gracious to us, and did provide for us after the hard dealings we had met withal. And this was no small mercy that God was pleased thus to provide for us, but yet more abundantly hath been pleased since to enlarge his favors towards us, and was pleased to raise up the hearts of our honored friends in England, we mean the chief intrusted in state affairs, to commiserate our condition ; and they were pleased not only to grant us a charter of civil government, but were pleased also to enlarge our accommodations. Understanding the straitness of our confines, they did freely and absolutely enlarge us with the full and absolute grant of the Narragansett lands with the islands adjacent, part of which lands some of yours are endeavoring to take from us. This we thought meet to commend to your Wisdoms' serious considerations. And withal to the end you may be fully informed that the said land of the Narragansett is not only granted to us in our charter, but also is declared to yourselves in a letter sent to you from the state of England, the which letter we have herewith sent you a copy of, and whereas you are required in the mentioned letter that, if any have taken possession of any part of the said land of the Narragansett, it should be speedily and suddenly delivered up to us again, we therefore desire that you will be pleased to give notice to such persons as do pretend to have purchased the afore-mentioned land, which is Major Atherton and some others with him, that they will cease to beget any further trouble to themselves or us concerning the said lands. And if this means we have now used will not be attended, that peace and right may take place, we shall be forced to make our addresses unto the high court of

Parliament for relief, under whose wings, next under God, we expect protection for the quiet enjoyment of that they have so fully and freely granted unto us; and in the mean time we are engaged to the execution of our laws concerning the premises which by the assistance of the Almighty we shall prosecute in the premises to the utmost of our power. And thus, not further to trouble you at present, excepting only that we earnestly desire a line or two by way of answer from you, we rest in expectation thereof by the soonest opportunity. Your most affectionate friends and countrymen from the General Assembly of the Colony of Providence Plantations.

(Subscribed,)

JOHN SANFORD,

Clark of the Assembly.

Held at Portsmouth, dated 23 August, 1659.

JOHN WINTHROP'S RECEIPT FOR WAMPUM.

THESE are to certify that I have received, this 16th day of November, 1660, of Captain Edward Hutchinson, by the appointment of Major Humphrey Atherton and Company, for and by the appointment of Quesoquens and Niniglad and Scuttop, the three chief sachems of Naraganset, the full sum of seven hundred and thirty-five fathom of wampumpeag, whereof five hundred ninety and five fathom is for so much ordered by the Commissioners of the Colonies to be paid by the Naragansets for some injuries and great molestations to the English by some of their men, done at the new plantation near to Monheagon and at Mr. Brewstor's farm, and the rest for the charges of divers messengers and others employed in reference to the same, which the said sachems had also engaged to satisfy, and is in full discharge of that engagement made by them to the Commissioners under their hands and seals, the 29th day of September, 1660.

I say received. Witness my hand the day and year above written.

JOHN WINTHROP.

This is a true copy of the original receipt, examined the 20th day of September, 1662, by

ROBERT HOWARD,

Not: Publ. Massachusetts Colonizæ, Novæ Angl.

Indorsed, "Copy of receipt of wampum from Narraganset Indians."

GOVERNOR STUYVESANT TO CAPTAIN PENNY.

SIR, — Whereas we by some of your own countrymen were informed that you (upon what pretence we know not) doth obstruct the commerce and correspondence between the inhabitants of New England and this Province; moreover, that you have a commission from the king of Portugal, upon which you, or at least your seamen, are intended and have threatened to surprise Dutch vessels, and amongst other a fisher-boat newly by our inhabitants set forth, which I much wonder, because of your first coming and passing by this place yourself did declare unto me in my house, and few days after your merchant, Schott, declared the same unto Mr. Johannes Van Brugge, Cornelis Steenwyck, and to other merchants of this town, that you had no commission nor any intention to obstruct traffic or to surprise our vessels, but to seek and make trade. Therefore, I can hardly imagine myself that you should undertake such a scurvy business against your own word and promise, and against the articles of peace, which as I suppose doth give and grant both nations living in these remote parts of America that neighborly correspondency and manner of traffic as the neighborly nations in Europa doth enjoy; *videlicet*, that our subjects without any molestation may fish, pass and repass in the harbors of New England, Rod Island,

and Virginia, and bring there with their own vessels the product of our native country. If not, it will be requisite, and conduce more unto your own honor and credit, to walk in a just and open way in forewarning friends and neighbors for their losses, as to ensnare them by words as having no commission; these presents were only therefore directed, that you would declare yourself, and inform us whether you or your seamen were intended to make any surprisal of our vessels, either upon act of Parliament, Sweed's or Portugal's commission, that we may order our affairs thereunto. If the articles of peace doth not admit the neighborly correspondence and manner of traffic to the neighbor's nations in these parts of both nations in Europe doth enjoy being by any neighborly government, and informed of the matter, we shall forbear and forbid our subjects to go and trade where it is not free. For here, *Salva lege talionis*, if occasions and need shall require it; but if you or your seamen, upon any commission of our enemy, should intend any reprisal against any of our subjects, it is requisite that you renounce the commission and colors of friends and confederates, that we without infraction of the terms of peace may deal with you or yours to our safety. So after my respects, I rest.

Your friend in what I may. Was subscribed —

P. STUYVESANT.

AMSTERDAM in the N. Netherlands, this 21 of January, A°. 1660 [N. S.].

Indorsed by Gov. Winthrop, "Copy of the Dutch Governor's letter to Capt. Penny."

P. STUYVESANT TO JOHN WINTHROP.

To the Honored and Worthy Sir John Winthrop, Esq., Governor of Herford.

MUCH HONORED SIR, — In or about the latter end of November, here is arrived and passed by a English frigate, whereon was one Captain Penny¹ and his merchant, one Nicolas Schott. At the first arrival they both gave me a visit. Amongst other discourses (how it came to pass I remember not) they both did declare they had no commission, nor the least intention to obstruct any trade, or to take any Dutch vessels, but to seek and to further traffic, declaring few days after the same unto two of our merchants, being both magistrates, in a loving way. From hence departed they were altered, not so much of air and climate as in condition and intention, and have, as it doth appear, taken and surprised two vessels, either Dutch or English, and upon what pretence I know not certain. It is reported the one was hired and in use by Lieut. Gardener; the other, as it doth appear, was bought by one Mr. Richard Wayman, as I suppose well known by your Honor. The said Wayman, here coming to seek and to make proof of his bargain, doth inform us that the above-mentioned Captain Penny, now riding at New Haven, had two commissions; to wit, besides the English, one of the King's of Portugall, and that his seamen had threatened to take and to surprise all Dutch vessels what they could get, and amongst others a fisher boat newly set out by some inhabitants of this place, only for that use and lawful trade. The owners, fearful for their losses, have applied themselves unto us, and, presupposing in their request the common interest of neighborly correspondency, have prevailed with us to write unto your Honor for these

¹ Additional matter relating to Capt. John Penny may be seen in the New Haven Colony Records, II. 327 *et seq.* — Eds.

and for the common casse, if happily any remedy for the safety of neighborly correspondency against such and others obstructers of lawful trade and neighborhood may be helpened. The truth is, we know no equitable order nor requisite interdiction of any neighborly government whereby is declared and manifested that the inhabitants of this our Province may not have that freedom in neighborly correspondency and traffic in your Colonies as the inhabitants of New England here do enjoy. We are slow to intermeddle with any of your orders, much less to oppose them; but only that you will be pleased to manifest unto us, whether the good subjects of both nations, English and Dutch, in these remote parts of America as loving neighbors living, may not have that common benefit of correspondency, access, and recess in each other's harbors and manner of traffic, — at least, according to act of Parliament, — with the product of their native countries as our principals and their subjects in Europe do enjoy; if not, that we upon manifestation of your orders may forewarn and hinder our subjects for further trouble and losses in ordering our occasions accordingly. What I have writ unto the aforesaid Captain about his Portugall commission may be deducted out of the enclosed copy. I hope and doubt not your Honor will [be] in favor of equitable justice and in maintaining of the articles of peace, and unite in all possible manner [to] prevent and hinder such unlawful acts and piracy. So, after my due love and respects, I shall remain

Your loving friend and neighbor,

P. STUYVESANT.¹

AMSTERDAM in the N. N. Lands, this 22d of January, A. D. 1660 [N. S.].

¹ These two letters of Stuyvesant — the former sent enclosed in the latter to Gov. Winthrop — were not in the Dutch Governor's hand, but the letter to Winthrop was signed by him. — EDS.

COPY OF EXEMPLIFICATION OF THE WILL OF
EDWARD HOPKINS.¹

UNIVERSIS et singulis Christi fidelibus ad quos presentes Literaturæ Testimoniales pervenerint, aut quos infra Scripta tangunt seu tangere poterunt, quomodo et in futurum. Gulielmus Providentia divina Cantuariensis Archiepiscopus totius Angliæ Primas et Metropolitanus Salutem in Domino sempiternam ac Fidem indubiam presentibus adhiberi. Ad Universitatis vestræ Notitiam deducimus ac deduci volumus per presentes Quod scrutato Registorum Curiae nostræ Prerogativæ Cantuariensis in Archivis ejusdem bene et fideliter Custoditis comperimus luculenter et invenimus (inter alia) in eodem quod Tricesimo Die Mensis Aprilis, Anno Domini Millesimo sexcentesimo, quinquagesimo Septimo, Coram Judicibus ad probanda Testamenta Literasque Administrationum tunc temporis constitutis, probatum approbatum et Insinuatum fuit Testamentum apud Londoni Edwardi Hopkins nuper Parochiæ S^{te} Olavi, Hartstreet London Armigeri, et commissa fuit administratio omnium et singulorum bonorum Jurium et Creditorum dicti defuncti et ejus Testamentum qualitercunque concernentium Henrico Dalley Nepoti et unico Executori in dicto Testamento nominato primitivo, de bene et fideliter administrando eadem ac de pleno et fideli inventario omnium et singulorum bonorum Jurium et creditorum dicti defuncti conficiendo; et illud in dicta Curia pro probatione Testamentorum et Literarum Administrationis concessione citra Centum Diem exhibendo, Necnon de pleno et vero computo Calculo sive *ratiocinio* inde reddendo ad Sancta Dei Evangelia Jurat. Cujus quidem

¹ Extracts from this will, from some other source, were published by Mr. Savage, in Vol. I. pp. 228-230 of Winthrop's Journal, to which is appended a long note by the editor. — Eds.

Testamenti tantum predicti Tenor verus sequitur in his Verbis et est talis (videlicet).

The Sovereign Lord of all creatures giving in evident and strong intimations of his pleasure to call me out of this transitory life unto Himself, it is the desire of me, Edward Hopkins, Esq., to be in a readiness to attend his call in whatsoever hour he cometh, both by leaving my soul in the hands of Jesus, who only gives boldness in that day, and delivers from the wrath to come, and my body to a comely burial, according to the discretion of my executor and overseers, and also by setting my small family (if it may be so called) in order; and in pursuance thereof, do thus dispose of the estate the Lord in mercy hath given me. First, my will is that my just debts may be first paid out of my entire estate, wherever the said debts shall be found justly due; viz. if any debts shall appear to be due in New England, that they be paid out of my estate there, and if any shall appear to be due here in Old England, that they be paid out of my estate here. As for the estate I have in New England, the full account of which I left clear in my book there, and the care and inspection whereof was committed to my loving friend, Capt. John Cullecke, I do in this manner dispose: Item, I do give and bequeath unto the oldest child of Mistress Mary Newton, wife of Master Roger Newton of Farmington, and daughter to Master Thomas Hooker deceased, the sum of thirty pounds; as also the sum of thirty pounds unto the eldest child of Master John Cullecke by Elizabeth, his present wife. Item, I do give and bequeath unto Mistress Sarah Wilson, the wife of Master John Wilson, preacher of the Gospel, and daughter of my dear pastor, Master Hooker, my farm at Farmington, with all the houses, out-houses, buildings, land, etc. belonging thereunto, to the use of her and the heirs of her body forever. I do also give unto Mistress Susan Hooker, the relict of Master Thomas Hooker, all such debts as are

due to me from her upon the account I left in New England. And the residue of my estate there I do hereby give and bequeath to my father, Theophilus Eaton, Esq., Master John Davenport, Master John Culleck, and Master William Goodwin, on full assurance of their trust and faithfulness in disposing of it according to the true intent and purpose of me, the said Edward Hopkins, which is to give some encouragement in those foreign plantations for the breeding up of hopeful youths in a way of learning, both at the grammar school and college, for the public service of the country in future times. And as for the estate the Lord hath given me in this England, I thus dispose, and my will is, that one hundred and fifty pounds per annum be yearly paid by my executor to Master David Yale, brother to my dear distressed wife, for her comfortable maintenance, and to be disposed of by him for her good, she being not in a condition not [?] fit to manage it for herself; and I do heartily entreat him to be tender and careful over her. And my will is that this be paid quarterly by thirty-seven pounds ten shillings each quarter, and to continue to the end of the quarter after the death of my said wife, and that my executor give good security for a punctual performance thereof. My will also is that the thirty pounds per annum given me by the will and testament of my brother, Henry Hopkins, lately deceased, be given to our sister, Mistress Judith Eve, during her natural life, and that it be made up fifty pounds per annum during her life. I do give unto my sister, Mistress Margaret Thomson, the sum of fifty pounds, to be paid her within one year after my decease. I do give to my nephew, Henry Thomson, eight hundred pounds, whereof four hundred pounds to be paid within sixteen months after my decease, and the other four hundred pounds within six months after the decease of my wife. I do likewise give and bequeath unto my niece, Katherine Thomson, but now Katherine James, over and

above the portion of five hundred pounds formerly given her, one hundred pounds. I do also give and bequeath unto my nieces, Elizabeth and Patience Dallye, unto each of them two hundred pounds, provided they attend the discretion of their brother or aunts, or such as are capable of giving them advice, in the dispose of themselves in marriage. I give unto my brother, Master David Yale, two hundred pounds; to my brother, Master Thomas Yale, two hundred pounds; and unto my sister, Mistress Hannah Eaton, two hundred pounds. My further mind and will is that, within six months after the decease of my wife, five hundred pounds be made over into New England, according to the advice of my loving friends, Major Robert Thomson and Master Franciss Willoughby, and conveyed into the hands of the trustees before mentioned in further prosecution of the aforesaid public ends, which, in the simplicity of my heart, are for the upholding and promoting the kingdom of the Lord Jesus Christ in those parts of the earth. I do further give unto my beloved wife a bed, with all furniture belonging to it, for herself to lie on, and another for the servant-maid that waits on her, and twenty pounds in plate for her present use, besides one third part of all my household goods. I give unto Master John Davenport, Master Theophilus Eaton, and Master Cullecke, to each of them twenty pounds, to be made over to them into New England, where they are. And my will and pleasure is that twenty pounds be put into a piece of plate, and presented in my name to my honored friend, Doctor Wright, to whom I owe more than [that, being] much engaged, desiring him to accept of it only as a testimony of my respect. I do give unto my servant, James Porter, ten pounds; unto my maid Margaret, five pounds; unto my maid Mary, forty shillings. I do give unto my honored and loving friends, Major Robert Thomson and Master Franciss Willoughby, twenty pounds apiece in a piece of plate, as a token of

my respects unto them ; and I do give unto my servant, Thomas Hayter, twenty pounds. I do give unto my sister Yale, wife of Master David Yale, twenty pounds ; as also unto John Lello, a youth now with my sister Eve, twenty pounds, to further him out to be an apprentice to some good trade, and twenty pounds more at the time of his coming to his own liberty, to encourage him to set up his trade, if he continues living so long. I do give unto my nephew, Henry Dally, Master of Arts in Cambridge, my land and manor of Thirkoe, in the county of Essex, and for the payment of all debts, dues, and legacies do give unto him all my other personal and real estate ; and by these presents, renouncing and making void all other wills and testaments, do declare, constitute, and make him my sole executor, and my good friends, Major Robert Thomson, Master Francis Willoughby, overseers of this my last will and testament.

MEMORANDUM. — Before the signing, sealing, and publication of this will, consisting of sixty-four lines, written in two sheets of paper, annexed one to the other, there was interlined between the third and fourth line of the first sheet these words, “and my body to a comely burial, according to the discretion of my executor and overseers” ; and in the twentieth line of the first sheet and in the third of the second sheet the word “Davenport” hath been altered, and in the thirty-fourth line of the first sheet the word “the” between “Thomson” and “eight” blotted out ; between the first and second line of the second sheet was interlined these words, “besides one third part of all my household goods,” and between the fourth and fifth line, the word “engaged,” and between the eleventh and twelfth line, the word “be.” And then was it signed and sealed, declared and published by the said Edward Hopkins, Esq., at his house at London, on the seventeenth day of March, in the year

of our Lord one thousand six hundred fifty and seven, to be his last will and testament.

In presence of us, —

EDWARD HOPKINS.	T. ANTABY.
WILLIAM BARBOUR.	THO. HAYTER.

In quorum omnium et singulorum premissorum fidem et Testimonium has Literas Nostras Testimoniales fieri Sigilloque Curiae Nostrae Prerogative Cantuariensis predict. quo in hac parte utimur appendente communiri et corroborari fecimus. Dat^m Londini quoad Scrutinium et Sigilationem, Vicesimo Quinto Die Mensis Februarii juxta cursum et Computationem Ecclesiae Anglicanae, Millesimo Sexcentesimo Sexagesimo et nostrae translationis Anno primo.

Examined,

SIMO : RULLESTON, *Regrarius*.

A true copy of an exemplification of the will of Edward Hopkins, Esq., in the Secretary's Office for the Colony of Connecticut. Examined by

GEORGE WYLLYS, *Secretary*.¹

CONFIRMATION OF TWO DEEDS OF COGINAQUEND.

WHEREAS Coginaquend hath given to Mr. John Winthrop and Major Atherton and other their partners two parcels of land lying in Narragansetts country, as appears by two writings under hand and seal, one bearing date the 11th of June, 1659, the other the 4th of July, 1659, which writings we have seen and heard interpreted to us; the dimensions and grants in the several writings appears. Now we, Cosuequansh and Scuttop and We-quackannit, being also chief sagamores or sachems of

¹ Secretary of Connecticut from 1735 to 1796. — Eds.

Narragansetts, and having with Coginaquend full power to dispose of all the land in Narragansett country, do therefore freely, absolutely, and effectually give and make over the said two tracts of land, together with the privileges in the land above it to the northward and westward of mowing and feeding and timber of all our land above the said land up into the country, according to the contents of the said writings, unto Mr. John Winthrop, Governor of Connecticut, Major Humphry Atherton of Massachusetts, Captain Edward Hutchinson, Lieut. William Hudson, Mr. Amos Richenson, and Mr. Richard Smith, Senior, and Mr. Richard Smith, Junior, and such others as they shall take in with them, to them and their heirs and assigns forever. In witness whereof we have hereunto set our hands and seals, the fourteenth day of June, 1660, And hereby promise to defend the same from all others that shall lay claim to any part of the said land from any pretence of title from any others.

SCUTTOP, his X mark and a (seal).

TUCKQUANSH, his \ mark and a (seal).

WEQUAKANNIT, his A mark and a (seal).

Signed, sealed, and delivered, in the presence of (with the words or clause in the last lines after the date before signing and sealing)

JOHN CRANSTON. CALEB CARR.

VALENTINE WHITMAN, *Interpreter*.

THOMAS MINOR.

NUCOMBE, O the Indian, his mark.

AWASHUS, O Indian, his mark.¹

Indorsed, "Scuttop, Suckquench, Quequackannet, confirmation of two deeds of Cojanaquands. No. 4."

¹ This Indian deed and the signatures affixed are simply copies, as are those on pp. 25 and 26. — Eds.

JOHN CLARKE AND OTHERS, OF SAYBROOK, TO JOHN WINTHROP.

To the Right Worshipful Mr. John Wintrop, Governor at Hartford, these present.

SEABROOK, this 18 July, 1660.

MUCH HONORED SIR, — We have received an order from the Court of Magistrates, dated the 13 January, 1660, wherein we are appointed to take care of the estate of Master Fenick upon his farm and in the town, and accordingly we have endeavored to provide fodder for his cattle at his farm at Six Mile Island, and have hired four men to mow twenty acres of grass and make it into good hay, and have promised them pay when their work is done, which they affirm is done according to agreement, and therefore demand their pay of us, which we suppose would have been paid them out of Master Fenix's estate at the farm, we understanding by Robert Lay that he had corn of Master Fenix, and butter and cheese, that was ready to make pay to these men aforesaid, according to the agreement we made with them; but it seems his mind is changed, upon what ground we know not, and refuses to pay for the work done, which is at present a stop to further proceedings, and a discouragement for any to be further employed in this service. We have sent up to your Worship one of the men we employed in the service aforesaid. His name is John Whittlese, who can further inform you in the case propounded, who himself and the rest demands satisfaction for loss of time in seeking their pay, and for his journey now up to court. For our desire is that we might have clear order from your Worship what we may do further in the case, and how satisfaction may be had for any service done with respect to the estate of Master Fenix; for Robert Lay professes no pay shall go out of

his hand, unless we put in bond to secure him from Captain Cullick, or the marshal take it from him by power. We could not have hired these men to have done this work, but their necessities being so great for want of corn, and Robert Lay affirming they should have what we engaged to them. Thus being not willing to trouble your Worship further, with our humble respects presented, we remain yours to be commanded.

JOHN CLARKE,	}	<i>Townsmen.</i>
ROBERT CHAPMAN,		
WILLIAM PRAT,		
WILLIAM WALTAR,		

Indorsed, "The Townsmen of Saybrooke, about pay for workmen providing hay for Mr. Fenwick's cattle."

MORTGAGE DEED OF NARRAGANSET SACHEMS.

Know all men by these presents, that we, the sachems of the Naraganset, in consideration of five hundred ninety-five fathoms of wampum, required of us by the Commissioners to be paid within four months, we say in consideration thereof we do hereby firmly mortgage, make over, bargain, and sell unto the Commissioners of the United Colonies all our whole country, with all our rights and titles thereunto, and all the privileges and appurtenances thereunto appertaining unto them, the Commissioners, their heirs, administrators, or assigns forever, to them and their proper use and behoof, always provided that in case we, the said Narogancet sachems, shall well and truly pay unto or cause to be paid to the Governor of Conecticut five hundred ninety-five fathom of wampum within four months after the date hereof, together with the charge of the five messengers sent unto us by the Commissioners, that then this bargain, mortgage, or sale shall be void and of none effect, otherwise to stand

in full power and force. In witness whereof we, the Naro-gancet sachems, have hereunto set our hands and seals, this 29th of September, 1660.

QUISSOQUAS, X his mark and seal.

NINEGLAD, c his mark and seal.

SCATTAPE, S his mark and seal.

Signed, sealed, and delivered
in the presence of us, —

RICHARD SMITH.

SAMUEL M ELDRIDGE, his mark.

WECOM, O the Indian, his mark.

AWASHONS, o his mark.

CHARLES THE SECOND TO JOHN ENDICOTT.¹

To our trusty and well-beloved Jno. Endicott, Esq., and all and every other the Governor or Governors of our Plantation of New England, and of all the Colonies thereunto belonging that now are or hereafter shall be, and to all and every of the Ministers and Officers of our Plantation and Colonies whatsoever within the Continent of New England,

C. R. TRUSTY AND WELL-BELOVED, we greet you well. Having been informed that several of our subjects amongst you, called Quakers, have been and are imprisoned by you, whereof some of them have been executed, and others, as hath been represented unto us, are in danger to undergo the like, we thought fit to signify our pleasure on their behalf for the future, and do hereby

¹ This is known as the "King's Mandamus." It was printed, probably for the first time, in Bishop's New England Judged, Second Part, London, 1667. The copy here is in a contemporaneous hand, and on the reverse side of the sheet on which it is written is a transcript, also in the same hand, of the well-known letter of Lord Say and Seale, dated 10 July, 1661, published in Hutchinson, I. 220, 221. Of this latter transcript the writer says, "This is a copy of his own letter, written in his own hand." Quite likely both papers were copies from the originals, which arrived in Boston at the same time, or nearly so, and were speedily transmitted to the neighboring Colony. The "Mandamus" had arrived by November. — Eds.

require that, if there be any of those people called Quakers among you now already condemned to suffer death or other corporal punishment, or that are imprisoned and obnoxious to the like condemnation, you forbear to proceed any further with them, but that you forthwith send the said persons, whether condemned or imprisoned, over into this our kingdom of England, together with their respective crimes or offences laid to their charges, to the end such course may be taken with them here as shall be agreeable to our laws and their demerits; and for so doing these our letters shall be your sufficient warrant and discharge. Given at our Court at Whitehall. By his Majesty's command.

WILL. MORRIS.

Sept. 9, 1661, the 13th year of our reign.

DANIEL DENISON AND OTHERS, IN BEHALF OF THE ATHERTON PROPRIETORS, TO JOHN WINTHROP.

To the Honored and Right Worshipful John Winthrop, Esq., these present in London.

HONORED SIR,—Your tender sympathy with innocent sufferers, your known integrity in the cause of justice, in conjunction with the gracious aspect of royal favor on your undertakings for his Majesty's loyal subjects of Connectacut, strongly invites our application to yourself, who have purchased the Narraganset, entreating you to interpose your wisdom and improve your interest for us in the present juncture, that we may not be given up to Road-Island for government, but affixed to the jurisdiction of Connectacut. This we earnestly choose; that we intensely dread; for Roade Island is (pardon necessity's word of truth) a *rodde* to those that love to live in order,—a road, refuge, asylum, to evil livers. What lives thrive amongst themselves may be judged by what flows unto them from others with ready enter-

tainment. Each nature covets, seeks, delights in the congregation of that which is homogenial to it. The public rolls record what malefactors, what capital offenders, have found it their unhallowed sanctuary. What though it hath been a buggerer, yet, say they, a fellow-creature, and therefore must not suffer. Hence such a one, being pursued and to pass through their liberties, they have rescued out of the hands of the officer, and so from the justice of the Massatusets, to whom the said offender did pertain. They make religion the Indian's scorn, by working and drinking on the Lord's days; on which they made, some of them, a great canoe, and called it Sundy, by the name of the days on which they made it. The Indian says, either they are not English, or other English lie in saying there is a Sunday. Many such things, for which you know their fame, we rather refer to prove when need requires, then choose to write. Again, Rode Island hath no right to these lands (as we suppose) by patent; we are sure by purchase they have no right. The Indians grant that they had leave to dig black-lead, indeed; but their pretended deed of sale for the land they disavow, as the evidences sent declare. Had not we restrained, the incensed heathen had ruined their houses and burnt their hay as a sharp correction to their violent intrusion. Besides, the Road-Islanders have no need of these lands; for at our first purchase we granted, offered, liberty to the civil and sober of them needing land to plant with us. Some (for number two to one of us) accepted, and were entertained into the town we planted, with greater shares then we took unto ourselves. Lastly, the Road-Islanders have deserved otherwise; that have by fraud, pretending a deed, and by force, seized on possessions to which they had no right, though the Indians constantly refused to sell the land unto them. As also they have in like manner dealt with Southerton, building houses and planting fields

on the lands thereof, which, you know, hath been divers years planted by the people of the Massatusetts and Connectacut, disturbing our servants with insolencies not a few, and high threatenings that by his Majesty's favor we shall be brought under their government. To this they plead title from an Indian's grant, which all the rest aver to have no right unto it. Our right by conquest and by other means you know as much as we. The premises being such, confidence in the justice and favor of his Majesty emboldens us to hope that by your means we may escape our fears, and come to enjoy our hopes; viz. to have our Narraganset lands settled under the jurisdiction of Connectacut. This will be an effectual means of planting those lands with a sober and considerable people, knit together in the beautiful order of a well-managed government, whereas that would render this place desirable to such only as for vileness of opinions and corruptness of manners are less fit for other societies, and so a dishonor to the English, a cutting vexation to neighbor plantations, and a scandal to poor heathen natives, whose civilizing is so acceptable, whose Christianizing will be so glorious, to our renowned sovereign and his most honorable Council. We beseech you, therefore, to do your best for those who also entreat you to enroll their names, and themselves by your favor are bold to subscribe themselves, honored sir, your servants to command in love to yourself, and all loyalty to God and our King.

DANIEL DENISON.

JOS: WINSLOW.

JOHN ALCOCKE.

WILL^M. HUDSON.

RICHARD SMIT, Sen^r.

RICHARD SMITH, Jun^r.

GEORGE DENISON.

THO. STANTON, Senyar.

THO. STANTON, Junyar.

Indorsed, "Letter from proprietors of Narrorganset."

EDWARD HUTCHINSON AND OTHERS TO JOHN
WINTHROP.

For the Right Worshipful John Winthorpe, Esqr., these present. To be left at Mr. John Hurwood's, Merchant, at Bednal Greene, for him.

BOSTON, 24 September, 1661.¹

HONORED SIR, — After our services presented to yourself, we make bold to request this favor to be added to all your former. Considering it may be for our further comfort to have the lands we have at Naragansets in some patent, and yourself being now in England, and having an interest with ourselves therein, we conceive that if you could procure them into Conecticot patent, it would be best; and therefore, if you could procure the line to run along from Conecticot by the Bay's patent till it meet with Plimath patent, and so by Plimath patent till it come into Naraganset Bay, and so into the sea, and bounded by the sea till it meet with the further part of Conecticot jurisdiction, with all the islands adjoining, it would reach the whole. But notwithstanding this our advice, we desire to have our particular interest from the Indians to be reserved to us, and only the jurisdiction or government to be within Conecticot, only we leave it to yourself, which way you find most feasible, whether in Conecticot patent or Plimath, provided whichever it be our particular interest be reserved to ourselves; if you cannot attain these bounds, yet we desire if it may be that our particular lands, the propriety always reserved to ourselves, may be got into Conecticot patent, however freed from Roade Island. Thus craving excuse for our boldness, we take leave, only subscribing ourselves your real

¹ Governor Winthrop went this year to England, commissioned as agent to procure a new charter for Connecticut. He sailed from New Amsterdam, 21st July, in the Dutch ship "De Frouw." — Brodhead's New York, I. 695.

servants, appointed to subscribe our names in the behalf of the rest.

EDWARD HUTCHINSON.

RICH^d LORDE, Jnr.

WILLM HUDSON.

AMOS RICHISEN.

The former is what we formerly writ by Mr. Lorde, and not having anything to add send the same again; only the Lord hath made a sad breach amongst us by taking to Himself Major-General Atherton, who was slain by a fall from his horse.¹

Indorsed, "Capt. Hutchinson, Capt. Lord, W. Hudson, A. Richarson."

SIMON BRADSTREET AND OTHERS TO THE GOVERNOR AND
COUNCIL OF CONNECTICUT.

*To the much-honored the Governor and Council of Connecticut, these
present.*

MUCH-HONORED GENTLEMEN,— We suppose you are not ignorant of our right and interest in the Narrogaset country, which we have purchased of the Indians, when no English, to our knowledge, pretended any title thereunto, the Commissioners of the United Colonies taking it to be the proper right of the natives by accepting a mortgage of those lands for the security of a payment to be made by those Indians upon a judgment of the Commissioners at their meeting at New Haven. And for the improvement of our said right (besides the purchase) we have been at considerable charge in possessing our-

¹ General Humphrey Atherton, whose death, it appears, took place after the first copy of this letter was sent, died on the 17th of this month.

This letter and those letters bearing Edward Hutchinson's name alone are all in his handwriting. It will be seen that this writer usually adds the "Jr." to his name. In those instances here where the "Jr." is omitted, the name is written close to the edge of the paper.

selves thereof by building, &c. But meeting with some opposition from some of Road Island, who have pulled down some of our houses, and otherwise disturbed us, we have been put upon the consideration of the best and most orderly way of maintaining our right; and understanding your design of procuring a patent and employing your honored Governor for that end, we were willing to expect the issue thereof, assuring ourselves that, if the government of those parts were granted unto you, our right would be secured to us by your justice; and accordingly we have signified to Mr. Winthrop, both before and since his going for England, our readiness to submit to your government, and have not in the least interrupted or opposed your design, which had been no more difficult for us to have done then for those of Road Island; of which moderation and confidence in you we hope we shall have no cause to repent, and therefore are bold (our interest highly pressing us, and yourselves being by the return of your Governor in as full capacity as you or we may expect) to crave a clear and full resolution of owning our right by purchase (whereof if you doubt, we are ready to make apparent) to the said lands under your government, which hath been our expectation and is our desire, that we may thereby be encouraged effectually to improve our interest therein, or, if otherwise, that we may seasonably by some other means provide for our security. We have requested your Governor for a speedy and seasonable return, which we most earnestly beg of yourselves, whereby you will further oblige

Your humble servants,

SIMION BRADSTREET,	AMOS RICHISON,
DANIEL DENISON,	JOHN ALCOCKE,
THO. WILLETT,	GEORGE DENISON,
JN ^o PAINE,	WILL ^m . HUDSON,
EDWARD HUTCHINSON, Jr.,	

For Ourselves and Company.

Indorsed, "A letter from the (Gentlemen) Purchasers of Naragansett."

JOHN WINTHROP TO EDWARD HUTCHINSON.

For Capt. Edw. Hutchinson, at Narrogansett.

HONORED SIR, — According to your desires in those letters from yourself and Mr. Richardson and the other of your company, of¹ that Plantation of Narragansett was included within Connecticott Charter, yet so as it was according to the very words of their old charter, which was to Narregansett River. I had only those words put in for explication and avoiding controversy about the meaning of Narragansett River. These words are added, “commonly called Narrogansett Bay, where the said river falleth into the sea”; and by what I saw by the copy of Providence Charter the words are there, that the whole extent of the tract was about twenty-five miles, which, by calculation from the further part of Providence, would reach but to the Narrogansett country.

After the Charter was under the Great Seal and finished, Mr. Clarke then appeared with great opposition as agent for Road Island Colony. He never before made it known to me that he was agent for them, nor could I imagine it for a good while after my arrival here. Mr. Alderman Peake told me he had received letters from Road Island, with an address enclosed, and was desired by those letters to deliver that address, and afterward told me he had procured Mr. Mauerick to deliver it. I could not by this conceive they had any other agent, but was resolved in my business to keep to the words of the old patent as near as might be. I am sorry there should be any controversy between friends. If they had desired to have joined with our Colony, I doubt not but they might have had all equal liberties with them. Mr. Clarke might have done

¹ “Of” is superfluous. These letters of John Winthrop, from London, are contemporary transcripts, not in his own handwriting. — EDS.

their business before my arrival, or all the time since. I should not have opposed anything therein. And whether he had done anything, or were about it, I did not inquire; but that he hath done nothing in it (if it be so) is not through the least act from myself, who only minded our business according to a former grant. And when that was finished, then Mr. Clarke began to stir, and oppose what he could, which was a great wrong, to the hindrance of my voyage. Why he did not rather act about their business before, when he could have had none to oppose, or all this time when he should have had no opposition from myself nor any other, but to act only by making a controversy after our business was finished, I know not the reason. I desire you to present my remembrance to Mr. Brenton, and Mr. Arnold, and Mr. Williams, and our friends of those parts, and let them know that this is the whole truth of the business, however Mr. Clarke may represent it to them. They are friends that I always did and do respect and love, and had not the least intent of wronging them, intending only that service to the Colony to their old Charter, which they had purchased at a great price; and according to the desires of yourselves, the purchasers of that in Narragansett. I shall not add at present but my love and respects to yourself and Mr. Smith, and the rest of your company, and rest your loving friend,

JOHN WINTHROP.

LONDON, September 2, 1662.

Indorsed, "September 2, 1662. From Mr. Winthrop."

INDIAN CONFIRMATION OF NARRAGANSET DEEDS.

THESE presents witness that we, Powtuck, Corman, House, and Nop, who did see Scuttube, Narraganset sachem, in the behalf of himself and brother and friends,

deliver possession of all his lands to the norward and northwest of Pittacomcot Rock, unto Capt. Edward Hutchinson, Lieut. William Hudson, and Richard Smith, they receiving it in behalf of themselves and the rest of the company concerned in it with them, many English witnesses being there present, as namely John Button, William Cotton, and John Rhodes.

This writing being read and interpreted to the four Indians above named in the presence of the Commissioners of the United Colonies, they did attest to the truth of what is above written.

DANIEL DENNISON, *Pres't.*

Sept. 11, 1662.

This is a true copy, compared with the original, left on file amongst the Commissioners of the United Colonies' Acts in Boston, as attests

EDWARD RAWSON, *Secr.*

Indorsed, "The testimony of four Indians of delivery of possession."

JOHN BUTTON AND OTHERS' DEPOSITION.¹

We, John Button, William Cotton, John Rhodes, and Ambrose Leech, sworn, say that the spring of this year, being at Narragansett and going to Petacompscott with Capt. Edward Hutchinson, Capt. William Hudson, Mr. Richard Smith, and others, Scuttub, one of the chief Narragansett sagamores going along with us, with many other Indians, both of his council and others, where they also met with Ninicraft and his council, and many other Indians with them, to the number of two or three hundred in the whole; in the presence of these Indians and

¹ There are two copies of this deposition in this collection, one of which contains simply the attestation of Governor Endicott, in his own hand. — Eds.

divers English, Scuttub, in the behalf of himself, brother, and friends, delivered possession by turf and twig of the land at Petacompscott and the country thereabout to Capt. Edward Hutchinson, Capt. Wm. Hudson, Mr. Richard Smith, Junior, in behalf of themselves and the rest of their company concerned in it, declaring the lands to be already sold by deed by the rest of the sagamores, as well as by himself, to the said Capt. Edward Hutchinson and company, and farther say not.

These four above named came before me the 22d day of September, 1662, and took their solemn oaths to the truth of the premises which I testify.

JOHN ENDICOTT, *Governor*.

This is a true copy of what we gave our oaths to before the Governor, and examined by us.

JOHN BUTTON.

WILLIAM COTTON.

JOHN RHOADES.

AMBROSE A LEACH, his mark.

This is to certify that John Button, Wm. Cotton, and John Roads came the 29th of August, 1664, and acknowledged this paper to be a true copy of their oaths, as above as attests.

EDWARD RAWSON, *Secr*.

This is recorded in the 27th page of the old Court Book, as attests

JOHN ALLYN, *Secr*.

HARTFORD, September 7, 1664.

Indorsed, "In the spring 1662. A copy of Jn^o. Button, Will. Cotton, Jn^o. Rhoades, and Ambros Leech's testimony of possession delivered. No. 8."

EDWARD HUTCHINSON, JR., AND OTHERS, TO JOHN WINTHROP.

To the Honored and Right Worshipful John Winthorpe, Esqr., these present, at Winchester House in Southwarke, or elsewhere in London.

Boston, 17 September, 1662.

HONORED SIR, — We have been so deeply engaged to you for your loving remembrance of us in proving the Naraganset country to lie within Conecticot patent that we know not how to express ourselves thankful enough; for truly, should it have fallen out that we had been cast under Roade Iland's government, it would have been no small inconvenience. Therefore, we cannot but request of you that you would still improve all the interest you can, that we may be continued in your patent. For a copy of our deeds you shall have them sent by this ship, attested by a public notary; and we hope his Majesty will be pleased to cast a favorable eye upon us, so as to place us under your Colony if there should be any obstructions by Mr. Clarke, seeing we approve not of that government as it is managed, but approve of yours. Therefore, we being some of us met together, and knowing it is the mind of the rest, we thought good to certify it under our hands. Thus with our humble service presented, we rest

Yours in all due respects,

EDWARD HUTCHINSON, Jr.

GEORGE DENISON.

WILL^M. HUDSON.

AMOS RICHISON.

RICHARD SMITH, Sin^r.

RICHARD SMITH, Jun^r.

THO. STANTON.

JOHN VIAL.

JOHN STANTON.

JOHN BUTTON.

AMBROSE LECH.

JOHN CRABTREE.

WILLIAM COTTON.

JOHN RHOADES.

ELISHA HUTCHINSON.

Indorsed, "Proprietors of Narroganset."

EDWARD HUTCHINSON TO JOHN WINTHROP.

For the Right Worshipful John Winthorpe, Esqr., at Winchester House in Southwarke, these present.

BOSTON, 22 September, 1682.

HONORED SIR, — After due respects presented to your Worship, I make bold to present you with a line or two, desiring to return you thanks for your remembrance of us and of myself in particular. Sir, by order of the company, I have sent these papers to you, if they may be of use. There is the deeds for all the three purchases. There is only one deed more not sent, because it was apprehended not so useful, which is a deed of Tom Tokos for Point Jude; but having Nincraft's deed for the whole, we conceive more sufficient [*sic*]. Sir, I make bold to inform you also of a report I heard lately at Roade Iland, though I think it not true, and if true no great matter in it, but thought good to give you a hint of it, that you may make use of as occasion serves. It is reported the sachems have sent over two agents to the King, both which lived some time at Roade Iland, to complain against the English, and in special against ourselves, for taking away their lands, and have empowered their agents to subject themselves and their lands to his Majesty, and to desire protection from him from the injuries of his subjects here; and it is said they gave them a great parcel of peague to do their business for them. If any such thing be, I conceive it is but some that have deceived the Indians of their peague, and persuaded them, as easily they may, that they will do them a great favor with the King; but I thought not amiss to hint it, lest there should be by Roade Iland agent anything produced from the sachems that they may procure from them, which, if it be by him or them produced, it may not come suddenly

upon you. Thus desiring to take leave of you, only
subscribing myself

Your Worship's servant,

EDWARD HUTCHINSON, JR.

Indorsed, "Capt. Hutchinson."

EDWARD HUTCHINSON TO JOHN WINTHROP.

*For the Right Worshipful Jno. Winthorpe, Esqr., at Winchester House,
in Southwark, these dd.*

BOSTON, 22 September, 1662.

HONORED SIR, — After respects presented, by advice of friends I thought meet to add this to my former letter, to certify you that when, as I understand, an objection was made by Mr. Clarke concerning want of enlargement to divers of the inhabitants of Providence Plantations, I was sent to the Court at Roade Iland by our company, who empowered me to act, and I in the behalf of our company told them we were as ready to receive any honest men from them as from any other parts as inhabitants with us. And afterwards, when we came to set apart a township to be settled upon the Naraganset country, we kept but one third to dispose of by ourselves, and two thirds we disposed of to and by order of the inhabitants of Roade Island men and the other inhabitants of Providence Plantations, and we were as careful as we could to dispose it to deserving men of them, and left it to them of that place to nominate the rest, so that it is plain that is a pretence want of enlargement. For if they be men that are sober and fit for neighbors, they need not complain, for those that have not may be supplied; but it is such persons as are turbulent that we are careful to avoid, though they so abound in that place we had need have a more strict government than is at Roade Iland to keep

them in good order, and I wish we have not been deceived by some we have received; but I hope the government under yourself will regulate them. Sir, not else save respects. I commit you to God, and rest your servant to command,

EDWARD HUTCHINSON.

Indorsed, "Capt. Hutchinson, about Narraganset."

EDWARD HUTCHINSON, JR., TO JOHN WINTHROP.

For his honored Friend, Mr. John Winthorpe, at Mr. Jeames Porter House, at the Red Heart in Leadenhall Street, the upper end of the Street, towards Algate, these ddd., p. Mr. Zacre Gillam.

Boston, 3 November, 1662.

HONORED SIR, — After respects presented to yourself and your sons, this may certify of the receipt of yours of 2 September, wherein we perceive you meet with much trouble with Mr. Clarke concerning your patent after the passing the seal.¹ We have formerly writ by Capt. Perce, and by

¹ In a note on page 30 we have said that Governor Winthrop sailed for England in July, 1661, on a mission for Connecticut, to procure a Charter for that Colony. In this mission he was successful. The instrument bears date April 23, 1662. It passed the seals, May 10, and was received in Connecticut early in September, coming by way of Boston. Soon after the Charter had been completed in the public offices in London, John Clarke, who had been in England for some years, appeared as the agent of Rhode Island in opposition to it. The story is told by Winthrop in his letter to Hutchinson, *ante*, pages 33 and 34, the receipt of which is acknowledged in the letter above. Clarke's principal objection to the Connecticut grant was because it bounded "on the east by the Narragansett River, commonly called Narragansett Bay," which brought the whole of the Narragansett country under Connecticut; whereas the jurisdiction of that territory had long been claimed by Rhode Island under its Charter of 1643-4, granted to Williams by the Commissioners for Foreign Plantations. A company of land speculators, principally from Massachusetts, known as the Atherton Company, and also as the Narragansett Company, headed by Humphrey Atherton, whose sudden death is announced to Winthrop in an earlier letter, had made exten-

him sent you a copy of our several deeds for the Naragansett country. Now I perceive by Sir Thomas Temple and Capt. Scott that as yet Mr. Clarke is not at rest, though I perceive he hath not much to say for himself; but I perceive he now at last pleads upon their patent, and I have spoke with Mr. Braudstreete about it, and he saith that by reason the patent was procured from the Lords

sive purchases of land from the Indians in the Narragansett country, in violation of Rhode Island law; and they were anxious that their lands should be placed under Connecticut jurisdiction. Their letters to Winthrop in this volume, written principally by Edward Hutchinson, who represented the Company, indicate their purpose. Before some of the letters could have reached Winthrop, he had procured the Charter and sent it home. Yet Clarke, as we have seen, protested against its eastern boundary. He was now petitioning for a new Charter for Rhode Island, and he pleaded for a rectification or an amendment of that of Connecticut. Winthrop continued to remain in London, and finally, through the intervention of common friends, an agreement was made between him and Clarke, dated April 7, 1663, by which the Paucatuck River should be the certain boundary between the two Colonies, and should hereafter be called Narragansett River. It was also agreed that the proprietors and inhabitants of certain lands about Smith's Trading-house, claimed or purchased by Atherton, Hutchinson, and others from the Indians, should have free liberty to choose to which Colony they would belong. This agreement, with two other stipulations, will be seen farther on. Winthrop soon after, in April, sailed from the Downs for New England, landing at Boston, and by July had arrived in Connecticut. Soon after he had left England, the agent of the Narragansett purchasers, John Scott, made an attempt, by corrupt means, to traduce the character of Clarke, and to set aside this agreement between him and Winthrop; and he actually procured a letter from the King, addressed to the United Colonies, representing the Atherton Company as desirous of forming an English colony, and recommending it to their protection, as having been unjustly molested by the turbulent spirits of the Providence Colony. Scott's letter, dated April 29, 1663, and the King's missive of June 21, may be seen a few pages farther on. Notwithstanding all these adverse influences, Clarke succeeded in securing a new Charter for Rhode Island, dated July 18, 1663, in which were embodied the several agreements with Winthrop. Thus much we have said in explanation of the several letters and papers in this volume relating to the affairs of the Atherton or Narragansett Company, and should add, that Winthrop had no intention of doing injustice to Rhode Island. The old patent of Connecticut, of 1631-2, was bounded on the Narragansett River. The discussion of the subject is pursued at length in the first volume of Arnold's History of Rhode Island, who has printed four of these letters from the Trumbull Papers; and reference may also be made to the Proceedings of the Massachusetts Historical Society, V. 400, VI. 41. — Eds.

Commissioners of Parliament, he, the said Clarke, never did mention it before his coming away. For if he had, there was a patent granted to the Masachusets from the same Commissioners of that tract of land, bearing date before theirs about four months (the copy of which I now send enclosed); and the reason he spake not of it was by reason it was in your patent, and it being in the United Colonies he questioned not fair correspondence in it with yourself. But now you may make use of it as you see cause, but that patent and so ours is bounded by the Naraganset country; and whereas there is a clause in it reaching about twenty-five miles to the Pequid River and country, it seems to carry it as if that river were betwixt the Naraganset country and the tract of land of twenty-five miles in that patent. You know very well there is the whole Naraganset country betwixt them, which they are first bounded by, so that indeed there never was anything of that country in their patent, if it had been a patent. But the truth is, Mr. Clarke, for anything I perceive, intends to cover some misdemeanors and crimes committed by divers of their Colony upon the land which they now would get a patent for; for at Paucatuck, which you know is fifty or sixty miles from the place where they pretend the outside of their patent to begin, they have riotously and by force come and set up some houses and laid out lands upon part of the Pequod country to the eastward of Paucatuck River, upon some lands which was disposed of by the General Court here, (by virtue of the conquest of the Pequods, and by agreement of the Commissioners of the United Colonies within their division,) and after the possession of them seven years in peace, which, if they had anything to pretend, should not in a hostile way have so acted, and at Petacomscot we taking possession of our own lands purchased by setting up of a house, they the next night after in the night cuts it down. Now I know that no authority will suffer such outrages,

but the law is provided to prevent such courses. Now, to cover these things, if Mr. Clarke thinks (after they have done such things) to procure a patent for the country, if it be understood, he will receive no small check for it, if no worse thing. Besides, sir, you know what a receptacle that place is to all malefactors that shall run away from other Colonies, be the crimes what they will, as Mr. Talcot lately told me of one lately from Harford gaol, and so divers from Boston, both for theft and other worse crimes. But I need not inform you of these things, you know them so well. But I am persuaded, if his Majesty and Council knew the place as well as we here do, they would be far from granting any charter at all to them, but rather put them into some other Colony; for, as I am informed, some of them have said they will be as a Dunkirke. And well may they say so; for else without authority they durst not take any vessel as one was there belonging to a man of the River's mouth. I shall not trouble your ears any further, only certify you that it is all our desires to be in Conecticot Colony; and I am informed that very many amongst them desires it also. Thus not else save respects, I subscribe myself, your humble servant,

EDWARD HUTCHINSON, JR.

Indorsed, "Capt. Hutchenson."

EDWARD HUTCHINSON TO JOHN WINTHROP.

Boston, 18: 9 month, 1662.

HONORED SIR, — We have received yours from London. We thought good to send you a copy of what we sent to Conecticott to consider of, only think good to add that we are bold to presume you do not consider that what you have procured in the Charter reaches the whole of the

Narragansett country ; and whereas you speak of twenty-five miles, we understand not your meaning, for your patent and Plimouth joins, reaching both the Narragansett River ; and whereas Mr. Clarke pretends a patent, we have sent a copy of one to the Massachusetts of the same land, dated before theirs, which answers theirs, and we conceive may give satisfaction.¹ But however it is necessary for avoiding contention to yield no way to Road Island, for they are not rational. It seems Mr. Clarke hath much abused you ; but I wonder not at it, for their principles leads them to no better. But for any tract of land of twenty-five miles, there is not any such tract ; for their patent is bounded by the country inhabited by the Indians. Though after there be an expression, reaching to Pequid River, yet the whole country of the Narragansett lies betwixt Pequid River and Prouidence, which is inhabited by Indians, and therefore that expression no better than a cheat ; for from the outside of Prouidence bounds to Pequid River is at least sixty miles, taking in all the Indian country, which they are not to do by their patent. Therefore, if Prouidence township and Road Island should be granted a patent, yet the country inhabited by Indians is excepted, which is that we have purchased : therefore we are bold to crave of you to consider what you yield to before you yield, and whatever you do to reserve our particular interest. But if that Prouidence, Warwick, and Road Island should procure a patent for the bounds of these four towns, to come as far as Warwick rails, where they now stand, and to go along by the river Pautuckett, not by the Bay, but to Warwick Pointe, which will be about twenty or twenty-five miles to reach to Boston line, we should not oppose, which is indeed more then anything they can pretend claim to. Thus not further to

¹ See, in reference to the patent here spoken of, Proceedings Mass. Hist. Soc., V. 400, VI. 41. — EDS.

trouble you, we take leave, and rest your servants to our powers.

ED: HUTCHINSON,
by appointment of the Company.

Indorsed, "18th November, 1662. Copy of a letter to Mr. Winthrop to L^{no}." [Copy not in Hutchinson's hand.]¹

JOHN WINTHROP TO THE GOVERNOR OF THE CORPORATION FOR THE PROPAGATION OF THE GOSPEL IN NEW ENGLAND.

HONORED SIR,—The proposals I mentioned concerning the business of employing the Indians in our parts of New England, depending upon a large stock, may probably be unseasonable, considering what I now understand of the diminution of the stock of the corporation, and their disappointments of moneys for necessary occasions. Yet having mentioned something to your Honor concerning the same, as also to the Treasurer, I shall briefly hint something further about the same: those western parts of New England between the Narogansett Bay and the River of New London are most populous of Indians, and a people more civil and active and industrious than any other of the adjacent parts. Amongst them also there are a people which live very near the English, and do wholly adhere to them, and are apt to fall into English employment. Therefore, I have thought it an opportunity for the civilizing of them, and thereby the bringing them to hearken to the Gospel may be the easier effected; and there is one Mr. William Tomson, a minister, who speaketh their language very well, applied himself wholly to instruct some of them.

¹ Several of the letters included in this Atherton Company correspondence are already printed in Arnold's History of Rhode Island, I. 378-383. — Eds.

The Proposals concerning the Employing the Indians in New England.

1. The benefit to themselves would be the civilizing of them.

2. They would thereby be in a nearer way to receive employment, and the knowledge of the religion, which is that great work this honorable corporation intends.

3. They would be furnished with such necessaries as may make their lives more comfortable, as civil people have.

4. It would be a great benefit to the English people here in a way of vending store of their commodities, especially drapery, of which now the Dutch have the greatest trade in those parts; for there be many thousands which would willingly wear English apparel if they knew how to purchase it, which must be easily done by the improvement of their own labor in a due way; and besides, many other manufactures would be vended.

5. England would be supplied with substantial commodities, as hemp, flax, several sorts of other things, as pitch, tar, wheat, prairie grass, and some other . . . commodities very proper to the country.

A revenue for the maintenance of the chief business of the corporation may thereby out of their own labor be raised without any charge to the people of England, which is a principal part of the intendment of this proposal.

Proposition to the Honorable the Governor and Corporation for the Propagating the Gospel in New England, tending to the settling the Indians for that mercy by civilizing them in a way of employment.

First, a considerable stock must be provided. The stock proposed for the carrying on the work is £3,000 this year, and next year £2,000, or what more can be procured. This stock shall be paid back the third or fifth year at farthest, either with interest if the Cor-

poration or others do not adventure it; or with such proportion of the clear profit as shall be thought fit, which proportion of profit may be laid out in some purchase there, or further employed to profit, the yearly produce to be returned as it ariseth, in such commodities as shall be raised by their labor, but returned back in commodities, only the interest deducted, till the three or five years be expired; and after that the thing being sufficiently put in a way, there may be a continuance of future supply upon reasonable and certain allowance of profit to those that have thus supplied the stock for the beginning, or a continuance only of the supply out of the returns out of the produce. The way to raise such a stock may be by motion from the corporation; not, as in the former transactions, by a collection of a stock in a free gift by way of charity, but only a supply for valuable consideration, which shall yearly be paid out of the produce, at first for the further encouragement to the work upon bare interest and insurance; and afterward, when that term shall be expired, of three, four, or five years, then the usual allowance as other traders give for their commodities. Of this stock about £1,000 in money, the rest only in goods at money price, security to be given for the principal, stock, and interest; but if any persons for the forwarding such a good work will contribute to such a stock, to have principal returned without consideration, it may be the greater encouragement.

Indorsed, "Rough draught of proposals to the corporation for Ninecraft's Indian business. The most perfect draught I left with them at their meeting at Coopers' Hall, which they intended to transcribe and give me again."¹

¹ This draft, in Winthrop's hand, bears no date, but the paper must have been presented while he was in England, 1661-63. — Eds.

RICHARD MILLS TO CONNECTICUT, CONCERNING WEST-CHESTER.

To the honored Court of his Majesty's Patentees, at Hartford in Conect. Colony, to be delivered at their sitting this present March, '62-'63.

HONORED GENTLEMEN, — I suppose it needless to recapitulate the edict ꝓ warrant under the hand of the Worshipful John Mason, Deputy-Governor, with your orders under your seal, and therein implicit charges comprised, which from your General Court we received, nor our return of free willing obedience and loyalty signed with our hands to you, his Majesty's patentees; but much wonder that after these acts you seem not only to leave us naked, but also to lay us open to the scourge of our antagonists. We by vote sent our fittest (*vid.* Tho. Hunt) to Fairefield, there expecting order had been taken for stating a constable amongst us, but was returned with a non-official order. Our latitude for court ye appointed us Fairefield; but our longitude to fetch warrants and officers to execute (being fifty miles) is intolerable. We well hoped that as great care had been taken for our tranquillity and enjoyment of our good and comfortable order and peace, as for our subjugation under you according to his Majesty's royal will and pleasure. But the present production is turbulent distractions. Our magistrates have thrown away their Dutch dignity, having under their hands signed to you; occasions of issuing controversies are presented. Club law is yet avoided, if it be executed. Judge ye who are the virtual instruments. Our miserable condition six days since caused the inhabitants to meet together. Proposition was for a new choice of magistrates to be established by the Dutch. Positively protested against ꝓ myself and Sergeant Ponton by virtue of your order derived from his Majesty's patent (of which we have a copy), and also our own subjection under our hands unto you which will

he returned to us again, we protested against any that in that sphere acted.

John Richinson, of this town, an Englishman with a Dutch heart, lodging two nights since in the house of one Waldrose,¹ scout, a mongrel English and Dutch man, — at the magistrates the said Richinson reports that he, the said scout, showed him the copy of a letter, or a letter, that was sent from some of the patentees from Conecticote to the Dutch Governor, therein affirming that what Capt. John Young acted on Long Iland was without order from the General Court, and also that what we received was not with the said court's order; but that they did desire that the Governor of the Manhatens might enjoy as formerly, and live in peace each with other, titling Peter Stiverson Governor of the Manhatens.

Gentlemen, if so it be that ye retract, let us that are his Majesty's loyal subjects according to your order know thereof, that so we may rather run then lie in their stinking prison until we rot, as we are threatened, and are not by you hitherto comforted nor supported by word nor act. Before you sent unto us your edict and orders, and we submitted, we lived in peace and enjoyed our own without disturbance or danger. I pray, for our loyalty, leave us not worse then you found us.

We daily are threatened and put in fears. We are under much perplexity of mind, dreading those that formerly have sore afflicted us on these like account; (the burnt child dreads the fire.) But most especially I am threatened for that I refused to deliver the writings we received from you unto the scout whom the Dutch Governor with soldiers sent for them. I have them still in safe keeping; and also because I protested against the choice of magistrates to be instated by the Dutch.

¹ Waldron was the Dutch agent or schout sent to West Chester at this time. — Eds.

We humbly entreat that we may have an officer or officers established for our peace, and encouragement of your supportation in our most loyal and lawful demeanor; for we retort not to our enemies, though they rage and threaten. We humbly beseech you to consider of us your forlorn hope, and to deal honorably by us according to the dignity of yours and our master, which, hoping ye will do, we remain his Majesty's loyal subjects under your commands.

RICHARD MILLS,

In the name of some others. We are
not all one man's children.¹

WESTCHESTER, 14th of March, 62-63.

Indorsed, "Westchester letter to the court."

AGREEMENT BETWEEN JOHN WINTHROP AND JOHN
CLARKE.²

WHEREAS some differences hath of late fallen out between Mr. John Winthrop, agent for the taking out

¹ For an account of the West Chester troubles at this time, see Brodhead's New York, I. 709. — Eds.

² This document is a transcript, nearly contemporaneous with its date. We have compared it with a copy in 1 Mass. Hist. Soc. Coll., V. 248, 249, and with a copy from the Carter-Brown manuscripts, printed in the Rhode Island Colony Records, I. 518. There is a substantial agreement in the several texts; but while a few clerical errors appear in each, the Carter-Brown copy is most free from them. In the copy before us, two names are left blank; namely, "Brereton" — which is supplied, in brackets, from the Carter-Brown copy, printed "Brenton" in the Historical Society's copy — and "Atherton." Among the witnesses to the sealing, the name of "J. Beane" is wanting in the copy before us; while the name of "Richard Dean" as one of the signers (erroneously printed "Doane" in the Historical Society's copy) is wanting in the Carter-Brown copy; and the name of "John Clarke" is also wanting in the two copies last named. The Historical Society's copy omits the date of the first signing, and "the 17 of April" is given as the date of sealing and delivering. The copy printed by the Historical Society is included in a mass of papers relating to Rhode Island, presented to the Society in 1798 by Francis Brinley, and was probably a collection made by his ancestor of the same name. See 1 Mass. Hist. Soc. Coll., V. 253; Proc., I. 122. — Eds.

of a patent for the Colony of Connecticut, and Mr. John Clark, agent for the taking out of a patent for the Colony of Providence and Rhoad-Island, concerning the right meaning of certain bounds set down in a patent lately granted to the said Colony of Connecticut; and whereas, by reason of the doubtfulness of some names and expressions mentioned in the said patent, and for the better preventing of all disputes that might arise between the said Colonies hereafter by reason of such uncertainties or dubiousness,¹ they, the said John Winthrop and John Clark, have jointly and mutually nominated, chosen, and appointed William [Brereton,] Esq., Major Robert Thompson, Capt. Richard Dean, Capt. John Brookhaven, and Doct^r Benjamin Worsley, or any three or more of them, to hear and to consider the state of the said difference, and to determine what they judge might be most commodious in order to the settling said bounds, clearing of all uncertainties, and giving a mutual satisfaction to both the said Colonies, — We, whose names are here underwritten, having in pursuance of their requests met together, and having at large heard what hath been alleged, on both sides, on the behalf of themselves and their respective Colonies to whom they do respectively belong, upon serious debate and consideration had of the whole matter, we have jointly and unanimously agreed to offer² this advice, as followeth: —

1st. That a river there, commonly called and known by the name of Paucatuck River, shall be the certain bounds between those two Colonies, which said river shall for the future be also called alias Narragansett, or Narragansett River.

2dly. If any part of that purchase at Quinnibogue doth lie along upon the east side of the river that goeth

¹ "Disturbances" in copy. — Eds.

² "After" in copy. — Eds.

down by New London, within six miles of the said river, that then it shall wholly belong to Connecticut Colony, as well as the rest which lieth on the western side of the aforesaid river.

3dly. That the proprietors and inhabitants of that land about Mr. Smith's Trading-house, claimed or purchased by Major [Atherton], Capt. Hutchinson, Lieut. Hudson, and others, or given unto them by Indians, shall have free liberty to choose to which of those Colonies they will belong.

4thly. That propriety shall not be altered nor destroyed, but carefully¹ maintained through the said Colonies.

Dated this 7th of April, 1663.

WILLIAM [BRERETON].
ROBERT THOMPSON.
BENJA: WORSLEY.
RICHARD DEAN.
JOHN BROOKHAVEN.

To the four proposals above mentioned, we, the said John Winthrop and John Clark, do consent and submit, as a full and final issue of all the controversies between us. In witness whereof we have interchangeably set our hands and seals, this seventh day of April, anno Domini 1663, and in the fifteenth year of the reign of our sovereign lord, Charles the Second, by the grace of God King of England, Scotland, France, and Ireland, Defender of the Faith, &c.

Signed, sealed, and delivered in
the presence of

JOHN WINTHROP.
JOHN CLARK.

WILLIAM POTTS.²
ROBERT THOMPSON.

Indorsed, "A copy of the agreement made in England between the two agents in the year 1663."

¹ "Cheerfully" in copy. — Eds.

² William Potter, in 5 Mass. Hist. Soc. Coll. VIII. 83. — Eds.

JOHN SCOTT TO EDWARD HUTCHINSON.

APRIL 29, 1663.

MR. HUTCHINSON, and my honored friend, — Mr. Winthrop was very averse to my prosecuting your affair, he having had much trouble with Mr. Clarke while he remained in England; but as soon as I received intelligence of his departure from the Downes, I took into the Society a potent gentleman, and preferred a petition against Clarke, &c., as enemy to the peace and well-being of his Majesty's good subjects, and doubt not of effecting the premises in convenient time. And in order to accomplish the business, I have bought of Mr. Edwards a parcel of curiosities to the value of 60*l*. to gratify persons that are powerful, that there may be a letter filled with authorizing expressions to the Colonies of the Massachusetts and Conecticott, that the proprietors of the Naraganset country shall not only live peaceably, but have satisfaction for injuries already received by some of the said proprietors; and the power that shall be so invested, viz. the Masachusetts and Conecticott, by virtue of the said letter, will jointly or severally have full power to do us justice to all intents as to our Naraganset concerns. Sir, Mr. Sam^l Sedgwick disbursed the money, the obligation, I doubt not, of satisfaction *of* according to time, which is by March next; and by that time, and long before, I doubt not of satisfying your desires, or else I will satisfy the said bill to Sedgwick myself. I cannot deem those terms Mr. Winthrop made with Clarke any way to answer your desires, were there a certainty in what Clarke hath granted.

Your friend and servant unceremoniously,

JOHN SCOTT.

Indorsed, "A copy of Mr. Scott's letter to Capt. Hutchison from London, April 29, 1663."

KING CHARLES II. TO THE NEW ENGLAND COLONIES.

To our Trusty and Well-beloved Subjects, the Governor and Assistants of Massachusetts, Plymouth, New Haven, and Connecticut Colonies, New England.

Charles R.

TRUSTY AND WELL-BELOVED,—We greet you well. Whereas we have been given to understand that our good subjects, Thomas Cliffinch, John Scot, John Winthrop, Daniel Dennison, Simond Bradstreet, Thomas Willet, Richard Smith, Edward Hutchinson, Amos Richardson, John Alcock, William Hudson, and their associates, having in the right of Major Atherton a just propriety in the Narraganset country in New England by grants from the native princes of that country, and being desirous to improve it into an English colony and plantation, to the enlarging of our empire and the common good of our subjects, they are yet daily disturbed and unjustly molested in their possession and laudable endeavors by certain unreasonable and turbulent spirits of Providence Colony in New England aforesaid, to the great scandal of justice and government, and the eminent discouragement of that hopeful plantation, we have therefore thought fit hereby effectually to recommend the said proprietors to your neighborly kindness and protection.

Willing proprietors to be permitted peaceably to improve their colony and plantation in New England; willing you to be on all occasions assisting to them against such unjust oppressions and molestations, that so they may be secured in the full and peaceable enjoyment of their said country according to the right and title they have to it, wherein we will not doubt of your readiness and care, and shall on all good occasions express how graciously we accept of your compliance with this

our recommendations. And so we bid you farewell. Given at our Court at Whitehall, the twenty-first day of June, 1663, in the fifteenth year of our reign.

By his Majesty's command.

HENRY BENNET.

Vera copia, examined by the original, being under the signets, and lying on file among the records of the Massachusetts Colony.¹

ED. RANDOLPH, *Secretary*.²

Indorsed, "Copia of his Majesty's letter to the Colonies, anno 1663. No. 2."

JOHN WINTHROP TO CAPTAIN THOMAS WILLET.³

To Capt: Tho: Willet, of New Amsterdam.

HONORED SIR, — I received your letter by Capt: Varlet, with another from the Right Honorable General of Newnetherland, who writes to me for answer about certain bounds, which he saith were set by the Commissioners long since, of which your letter also intimates something. There hath been yet no meeting of the General Court of this Colony, whom it will concern when they are together to return answer to such questions, except the concernment of all the Colonies by the Commissioners should require their consideration thereof, my occasions requiring speedily my return to Boston. I came now up rather upon a visit to my family and

¹ See R. I. Col. Records, I. 466, and Hazard, II. 498, 499, where will be seen a copy of this letter; and in Hazard another letter accompanying it, addressed to the authorities of Rhode Island by the Commissioners of the United Colonies, dated Hartford, Sept. 9, 1664. — Eds.

² This is Randolph's autograph signature. — Eds.

³ Thomas Willet was the first Mayor of New York after the conquest of New Netherland by the English. — Eds.

friends, then with any intent of officiating, especially till the General Court could assemble. However, I have made bold to propound a way that may be most probable to issue matters in difference before very long time, which you may understand from himself. I doubt not of your wisdom and care to use all opportunity of promoting matters that tend to the settling and continuance of peace, as you are pleased to intimate also yourself in your letter, which I hope may be fully attained by that means propounded. Concerning wampum, I suppose there was left an account at that time by Capt. Lord, or sent with it, or yourself entrusted with it, as it should fall out to see a fit opportunity to dispose of it for the Captain, of which there may be further opportunity to know from yourself at your leisure, and shall not add at present, but remembrance of all love and respects, &c.

Your obliged friend and servant,

J. W.

Indorsed, "Copy of letter to Capt. Willet, July 18, 1663," in Winthrop's own hand.

JOHN WINTHROP TO THOMAS WILLET.

HONORED SIR,—Since I came hither, I am informed of the state of matters concerning the plantation of Westchester, that it was purchased by Mr. Pell and other Englishmen belonging to this Colony in the time of the war between the English and Dutch; and that, as it was possessed and inhabited afterwards by the purchasers and many other English families upon their right, so the said Mr. Pell and other his associates have continued the claim to it from time to time, although some of the inhabitants were by durance compelled to submit to the

commands of the Duch, and others constrained thereupon to leave their habitations.

Indorsed, "This was intended to be added to Mr. Willet, but was omitted for some reason for personal." ¹

JOHN WINTHROP TO PETER STUYVESANT.²

To the Right Honorable Peter Stuyvesant, General of New Netherland, at New Amsterdam, dd.

RIGHT HONORABLE,—I received a letter by Capt. Nicol: Varlet from your Honor, directed to myself; but I perceive by the contents thereof it is about matters of public concernment. Since my late arrival here there been no assembly of the General Court, so as my condition as to the matter of officiating stands as it did before my arrival, being not in a capacity to act as yet in those public affairs.³ The business propounded by your Honor concerning the bounds being mentioned as your agreement with the Commissioners, I conceive it will not be impertinent that it come to their cognizance at their meeting at Boston in September next; and the result of their consideration will thereupon be fitly represented to the General Court of this Colony the beginning of October next, who I doubt not will be ready to attend any rational way which your Honor may be pleased to propound of issuing any difference that may have fallen out; which in my apprehension may be best accommodated by some persons commissioned from yourself, with full power to treat

¹ A memorandum in Winthrop's hand, of no date, but probably made at the time the letter immediately preceding was written. — Eds.

² Governor Winthrop appears to have received two letters from Stuyvesant at the same time and by the same bearer. To one of them he replied on the same day, reserving this reply to the other letter till the following day. See 4 Mass. Hist. Soc. Coll., VI. 526, 535. — Eds.

³ Winthrop had recently returned to Connecticut from England. — Eds.

with such others as may likewise be empowered by the General Assembly of this Colony, the transactions by letters being an uncertain and imperfect way of composing matters, and that may possibly attain the end propounded by your Honor, of issuing and settling here any such matters in question without further trouble, it being undoubtedly the mind of the magistrate here to promote all amicable ways of peace and neighborhood as most desirable for so few Christians amongst those barbarous people, the Indians; and for my particular, however, for present, my occasions require my speedy return to Boston, where its probable I may stay till after the Commissioners' meeting in September. Yet I shall not be wanting, if opportunity be offered any time, to help forward such means as may conduce to those ends, which I doubt not but may be attained in due time, if your Honor please to let all further transactions cease till after these forementioned meetings, and a place and time be agreed upon, either in these or your parts, or Milford or New Haven, or some such mediate place, where some commissioned from both parts may attend that affair. I shall leave the motion to your Honor's consideration in your own time, and with all due respects and love remembered shall rest, Right Honorable,

Your loving friend and servant,

J. W.

HARTFORD, July 18, 1663.

Indorsed, "Copy of letter to Duch Gover^r., July 18, 1663," in Winthrop's hand.

PROPOSITIONS ABOUT SOUTHERTON (STONINGTON).

*Propositions touching Southerton for [torn] and of Differences between
Masachusetts and Conecticut Colonies.*

1. THAT all propriety within the said town derived from either General Court be confirmed; and if there should

be any difference between any persons that claim propriety touching the seniority or extent of their grants, such differences shall be determined by the Commissioners.

2. That all acts or things lawfully done by the people of Southertene by virtue of the authority derived from the jurisdiction of Masacusetts be confirmed, and indemnity given to that people for all irregularities by them committed in the time they have been under the jurisdiction of Masacusetts, except matters capital.

3. That those things being fully agreed by both Colonies in their General Courts, then the Commissioners do propose it, as the advice to the General Court of Massacusetts, to surrender up the right of jurisdiction to Conecticut Colony over the said place and people, it being included under their patent, hoping and desiring them to extend equal favor and protection to that people with their other plantations.

Indorsed, "Propositions about Southerton."¹

CONNECTICUT COMMISSION FOR WICKFORD AND PLACES ADJOINING.²

At a meeting of the Council at Hartford, April 2, 1664, upon the motion of the townsmen of Wickford, the Council did nominate and appoint Capt. Edward Hutchinson, Capt. Wm. Hudson, and Mr. Richard Smith, Senior, to

¹ There is no date to these Propositions. — Eds.

² In another copy of this record here preserved it appears that there were present at this meeting, John Winthrop, Esq., Governor, Mr. Matthew Allin, Mr. Richard Treat, Captain John Talcott, and John Allin. The Atherton proprietors, who were settled about Smith's Trading-house, had immediately — in July, 1663 — accepted the jurisdiction of Connecticut, under Winthrop's agreement with Clarke. They were in the same month organized, and the place was named Wickford. See Colony Records of Connecticut, I. 407. — Eds.

be Commissioners for the town aforesaid and the places adjoining within the Colony of Connecticut, and they are invested with magistratical power within the limits aforesaid; and the aforesaid Commissioners themselves, or any one of them, with the assistance of the Selectmen of Wickford, have power to keep court for the determination of all causes under the value of forty shillings, and all matters of criminal nature that come under their cognizance. It is also ordered that the inhabitants of Wickford aforesaid do assemble themselves together at a time and place appointed, and elect out of and from amongst themselves one or two able and judicious men to serve as constables for the said town; and one or either of the Commissioners aforesaid are hereby authorized to administer the constable's oath to the persons that shall be elected to the office of a constable as aforesaid. It is also ordered that, if any differences do arise at Wickford that are above the cognizance of the court at Wickford, that the issue of such matters be referred to a determination to the next court from that time that shall be at New London. It is the desire of this Council that the inhabitants of Wickford would be careful seasonably to provide an able Orthodox minister to dispense the Word of God to them; and if God please to incline Mr. Brewster to come amongst them, it is desired he might have all due encouragement, which will be very acceptable to this Council. Capt. Edward Hutchinson is desired and appointed to be Commander-in-chief for the town of Wickford, who is to exercise all male persons from sixteen years to sixty in the art and skill of handling their arms, and in military discipline, as they are capable, six times a year, until the Court order otherwise. It is the order of this Council that the officers respectively take due care to suppress sin and profaneness, and encourage piety according to their best skill. Capt. Hutchinson and Capt. Hudson took the Commissioner's oath in the Council. Capt. Hutchinson is to

administer the oath of a Commissioner to Mr. Richard Smith, Senior.

Extracted out of the Records of the Council, this 4th April, 1664, per me,

JOHN ALLYN,
Secretary to the Colony of Connecticut.

To the Constable of Wickford to publish : —

CONSTABLE'S OATH.

I, A. B., do swear by the great and dreadful name of the ever-living God, that, for the year ensuing and until a new be chosen, I will faithfully execute the place and office of a constable for and within the Plantation of W: and the limits thereof; and that I will endeavor to preserve the public peace of the said place and Colony, and will do my best endeavor to see all watches and wards executed, and to obey and execute all lawful commands or warrants that come from any magistrate, magistrates, or court. So help me God in the Lord Jesus Christ.

COMMISSIONER'S OATH.

You do swear by the great and dreadful name of the everlasting God, that, for this year ensuing and until new be chosen, you shall faithfully execute the place and office you are chosen unto, according to the extent of your commission. So help you God in the name of the Lord Jesus Christ.

These are true copies of the commissioner and constable's oath, as attests

JOHN ALLYN, *Secretary.*

For pilfering and stealing, treble damages to be paid, and such severe punishment as the Court shall think fit.

Persons swearing, to pay , or sit in the stocks, not above three hours, nor less than one.

Cursing, same penalty.

Drunkenness, penalty 10s.; excess drinking, 3s. 4d.; unseasonable tippling, 5s.

He that is drunk in private house, penalty 20s.; the owner of the house where he is proved to be made drunk, penalty 10s.; lying, penalty 10s.; neglect of training, 2s. 6d. a day.

A record is to be kept of all court acts, and of all fines taken, and of all actions tried.

For every action entered the Clerk of the Court's fees, 2s. 6d.; and for the court to defray these charges, 2s.

For execution after judgment, 2s. 6d.

All lands should be recorded in a book.

A register in each town.

For every parcel he records he is to have 8d., and is to send a copy of what he records, with 2d. for every parcel, to the Secretary of the Colony.

Indorsed, "1664. Copy of a commission from Hartford."

THE KING'S COMMISSIONERS TO JOHN WINTHROP.

*These for our Much-honored Friend, John Winthrop, Esq., Governor of his Majesty's Colony of Conecticôt, at New London.*¹

SIR,—We now intend (God willing) to be in the Narraganset country on the first March next, to determine, as far as we can, the differences betwixt his Majesty's Colonies of Conecticot and Road-island; and therefore, we desire that some gentlemen may be appointed to inform us in those things which [concern?] your Colony, that

¹ This is the original letter. — Eds.

nothing of prejudice may be done to it, by, Sir, your affectionate friends and servants,

ROBERT CARR.

GEORGE CARTWRIGHT.

SAMUELL MAVERICKE.

Boston, Feb. 4, 1664.

Indorsed, "[*torn*] King's Commissioners from Boston. Received about the middle of February, 1664."

PROPOSALS FOR QUITRENTS IN NARRAGANSETT.

Proposals for certain Quitrents to be paid yearly to his Majesty by the Proprietors of the Narragansett country, or King's Province, within his Majesty's Dominion of New England.

1. That all the lands within the Narragansett country be holden of his Majesty in free and common soccage, and that the said country may be called the King's Province.¹

2. Whereas the country is not yet divided into parcels, nor any improvement made, and that his Majesty would for the first ten years accept yearly of six beaver-skins as a quitrent for all the lands within the said country.

3. That after ten years be expired, for twenty-one years a certain quit-rent of a bushel of Indian corn be yearly paid by each proprietor for every hundred acres of land.

4. That after the end of one and thirty years, there be yearly paid to his Majesty forever four bushels of Indian corn for every hundred acres.

5. That his Majesty's General Governor of New England may receive the aforesaid rents, &c.

Indorsed, "Proposals for certain quitrents in Naroganset."

¹ The King's Commissioners directed that the Narragansett country should be so called by an order dated March 20, 1664-5. See Potter's Early Hist. Narragansett, p. 181. — Eds.

RICHARD NICOLLS TO JOHN WINTHROP.

To the Honorable Mr. John Winthrop, Governor of his Majesty's Colony of Conecticott, these, at Hartford.—Recommended from New York to the care of the Magistrates to whom these shall come, to be sent with diligence, as above directed by me, RICHARD NICOLLS.

Feb. the 23th, N. YORKE [1664-5].

HONORED SIR,—Yours by the way of Milford, dated January , and your last of the 1st of February, Hartford, are both received. I am very sorry that the copy of your laws will not come early enough to my hands, out of which I might have made a choice before the general meeting, which will be next Tuesday, at Hempstead, having made it my whole business to prepare a body of laws against that time ; but however I shall be glad to review your laws, knowing that nothing of so public a nature as laws can be perfect at first, especially from my collection, whose genius and capacity (if any) hath not been applied to matters of that nature. Since my last I have not heard of any attempts of the Senekes or appearance of other forces about Fort Albany ; rather, that they be fallen into a war with the Susquohannaughs, who have sent to me to know if they were not included in the general peace made at Fort Albany, they being friends to the English, and not of the three excepted nations, farther desiring me to send to the Seneckes to mediate a peace, which I have done in some measure. But whilst the general union of Indians against Christians is suspected, I shall be slow in the matter, because I am firmly of the judgment that it is more than equivalent to the loss of some trade that a little war be fomented between themselves to divert their restless, barbarous thoughts from a war with Christians, which opinion I submit to wiser and more practised men in the sea parts.¹ By a ship lately

¹ This word is “separts”; perhaps intended for “seaports.”—EDS.

arrived here from Amsterdam, by which it was not to be expected we should have any certainty of a war with England, which might render their welcome hither uncertain, but coming within the time and insisting upon the Articles, I allowed them *pratique*¹ after twenty days, as coming from a place suspected at least for the plague, though all the passengers came in good health, and remain so. When I perceived they were resolved not to tell any news, I sent to Mijn Heere Styvesant and Mr. Van Ryvens to bring me their letters, which they did, the contents whereof would be tedious; and therefore I have sent you the copy of one wherein the substance of both are contained as written from the West India Company. Also herein I take so much notice of their threats to bring a war into these parts, and to be revenged on all hands, calling us robbers and disannulling the Articles, that I find myself obliged so far to abide their displeasure as to serve upon their effects, and to remit the decision to his Majesty, whether after such a letter they ought to claim any benefit by Articles what in so contemptuous a manner they have disavowed.

There came lately a ship to Maryland from London, Captain Tilman master, which says that the Duke of Yorke was at sea with a great fleet; that to his sight and knowledge thirty or forty ships of the Dutch were taken in the Channel, but that the Dutch men-of-war were gone into their harbors. Mr. Needham, Mr. Delavall,² and all here, present their services to you and your son.

I desire you will present my faithful service to those worthy gentlemen who accompanied you here,³ and the rest of your worthy Council, and your son.

¹ French, *pratique*. For a definition of the term as applied to quarantine regulations, see Worcester's Dictionary: — Eds.

² See Brodhead's New York, I. 738. — Eds.

³ At the capitulation of the Dutch to the English in the September previous, Governor Winthrop and other gentlemen were present as Commissioners appointed by Nicolls. — Eds.

This I send by the way of New London, hoping it will find a safe passage, as is the desire of your most affectionate humble servant,

R. NICOLLS.¹

Indorsed, "Col. Richard Nicolls. Received March 8, 1664."

THE KING'S COMMISSIONERS TO JOHN WINTHIROP.

To our much-honored Friend, John Winthrop, Esq., Governor of his Majesty's Colony of Conecticot, at Hartford.

SIR,—We are at length come so near you as Road Island, and have, by God's assistance, overcome some difficulties both within and without doors. We hope the weather will be so moderate that we may (as we desire and intend) meet some gentlemen appointed by you, to inform us of your eastern bounds, at Mr. Porter's in Petacomskot, on Thursday at night, the 16th of March; where, if wind and weather permit, with God's blessing, we intend to be, and to do what in duty we ought in the observance of his Majesty's commands. We desire that those you send may be empowered to agree and determine as they shall see reason; and when they return, we shall accompany them, that we may enable ourselves to give his Majesty some reasonable information of your Colony, and an account of what would add greater advantages to it, both which we hope from you. In the mean time, we rest, Sir,

Your affectionate friends and servants,

ROBERT CARR.

GEORGE CARTWRIGHT.

SAMUELL MAVERICKE.²

ROAD-ISLAND, March 9, 1664.

Indorsed, "Commissioners from Roade Iland. Received at Pacatuck."

¹ The original letter. — Eds.

² The original letter. — Eds.

PETITION OF WILLIAM BILLING, AND ANSWER.

To the Honorable his Majesty's Commission for America.

THE humble petition of William Billing humbly sheweth,—

That whereas your petitioner being an inhabitant in that neck of land which by your Honors is found to be the King's Province, and also not being concerned with the gentlemen of his Majesty's Colony of the Massachusetts, and being formerly tenant to Richard Smyth, Junior, doth humbly crave that your Honors would be pleased to let him continue inhabitant there, and to let him understand your Honors' pleasure whose tenant he shall be. And your petitioner shall be ever bound to pray, &c.

YOU are from henceforward to be the King's tenant, and to pay after the rate of seven pounds a year, and to begin at Lady day, 1665, and pay the first half of the said rent at Micaellmas next, and pay your rent to the Governor of Road Iland till the King's pleasure be known.

ROBART CARR.

GEORGE CARTWRIGHT.

SAMUELL MAVERECK.

March 21, 1664. At PETACOMSCOT, and to all the rest.

Vera copia. Transcribed out of the original, and there-with compared this 3d of June, 1675, per me,

JOHN BIRCHARD, *Cl.*

[This on face of letter.]

THE WEST INDIA COMPANY TO PETER STUYVESANT.

De Heere Pieter Stuyvesant, in Nieu Amsterdam.

THE letter from the Governor-General of the New Netherlands and his Council, of the 16th September past, hath signified unto us how, in what manner, and for what reasons the conquest of the New Netherlands, after forty years' possession, hath been pretended to and demanded by some English, and surrendered to them by the Governor-General and his Council upon such articles and conditions as were sent unto us before we could have any knowledge of this last rencounter with the English; whereby (God amend it!) the profits arising from that conquest, after such excessive expenses in obtaining them, are all lost, and we are, much against our wills, discharged of a care which for the welfare of the good inhabitants hath been always very pleasing unto us. (To pass by a long discourse of the troubles and other inconveniences which have befallen you, only by your abandoning of the conquest of the New Netherlands.) This only seems to remain, that hereafter we take upon us the care and pains to find out some expedient to have reparation for the injuries done unto us on all hands, and satisfaction of such as have been aiding and assisting therein; in which we do not only comprehend what we are obliged unto against this violence done by the English, but do declare our just reasons of proceeding in endeavoring the regaining of that conquest, and to call such as are concerned to a particular account for its surrender. For we disavow all the articles and capitulations made by the Governor-General and Council with the English, and whatsoever relates thereunto. Moreover, we find that the proceedings both before and after the agreement can never be approved on by the States or us, unless

other more satisfactory reasons can be given then are mentioned in the papers sent unto us. Wherefore, having well weighed the merits of the business, we are resolved to bring it to some issue, good or bad; our inclinations carrying us also to a care for the retaking of that conquest. In the mean time we shall do what we possibly can to secure our further losses by the English. And though the Articles are disavowed by us, where there is permission given to secure our effects, we charge you to withdraw what you can of our goods which they as robbers have taken away by force. We have thought fit to employ Cornelius van Ruyven, formerly Counsellor and Secretary, and to authorize him (as we have written to him touching that particular) to save what can be yet saved of our goods with more vigilance and prudence then the conquest itself was preserved. In the mean while we expect your coming over hither, that we may receive by word of mouth more comfort from you than was found in your papers, and that you may give us and the States a full account of all things, who, being sensible of the great importance of that conquest, it is fit they should receive all due satisfaction concerning it.

The commanders of the West Indya Company from the Chamber of Amsterdam.

(Signed,)

CORNELIS CLOECK.

DIRCK SPIEGELL.

AMSTERDAM, November 28, 1664 [N. S.].

This is a perfect translation of the original.

R. NICOLLS.

Indorsed, "Copy of letter from West India Company to Herr Stevesad."

THE INDIAN SCATTUP'S CONFIRMATION OF NARRAGANSETT LANDS.

WHEREAS I, Scattup, together with the rest of the Narragansett sachems, sold and made over all our lands in the Narragansett, Neantick, and Cowesett countries unto Major-General Atherton and his friends, as appears by certain writings formerly given under our hands and seals; and whereas I, Scattup, have, in the behalf of myself and the rest of the sagamores, given possession of the said lands by turf and twig, according to the English custom, to Capt. Edward Hutchinson, one of the friends of the late Major Atherton, in behalf of himself and company interested with him, which I did deliver at Petacomscott before those English that lived there and divers other English, as also before Ninecraft and some hundreds of Indians; and whereas I, Scattup, of my own voluntary mind, without any one moving me thereunto, sent Wiskhunsh and Seapowomshe, two of my counsellors, and John the Indian for an interpreter, unto Boston to desire of Capt. Edward Hutchinson, and the rest of the company concerned with him in the Narragansett lands, that in regard of my sickness, I not knowing how long I shall live, to desire of them that, as they have been always friends to me, so they will continue to be friends to my sister after me, and to all the Indians under me, having always found them ready to show their friendship to us all upon all occasions; and still declaring themselves, they will so continue in all things that is just; —

In sure confidence of their love to us, I, the said Scattup, together with my sister and my counsellors, in behalf of all the rest of the Indians under us, do hereby declare under our hands and seales by this writing signed by us, that we all do so well approve of the government and manners of the English in the United Colonies, that we voluntarily and of our own accord do desire to be

governed by the English laws and Governors, and desire to be no longer under the Indian government, but to conform ourselves to the English laws and manners; and therefore, have made choice of our own accord, without being stirred up thereto, of our loving friend, Mr. John Winthrop, Governor of Connecticott, Capt. Thomas Willett of Plimouth Colony, Capt. Edward Hutchinson of Massachusetts Colony, and the rest of the company concerned with them, to settle us and our people under the government of such English within the United Colonies as they themselves shall make choice on to put themselves and their lands purchased of us, together with ourselves and people under. And in testimony of this our voluntary act, we have put to our hands and seals this 28th of December according to the English account, 1664.

The mark of

SCATTUP, — alias MEHOMOC, and (a seal).

The mark of

QUENEMIQUE, O Scattup's Sister, and (a seal).

The mark of

WISKWONCK, × Scattup's Councillour.

The mark of

SEPOWOMSH, + Scattup's Councillour.

MOKEY, [his mark, Chiefe Capt.

The mark of

JOHN, + Indian Interpreter.

The mark of

JOSEPH] DALLAUAR.

LAWDIWICK A VPDICK.

his mark.

Indorsed, "28th December, 1664. Scuttup and his sister acknowledge the sale and possession, &c. No. 9."

THE KING'S COMMISSIONERS TO THE COLONY OF
CONNECTICUT.

To our honored Friend, the Governor and General Assembly of his Majesty's Colony of Connecticut.

GENTLEMEN, — We are very sorry we could not reach Hartford, where we intended to have freely discoursed of these things which we now make our requests, and they are : —

That we may have something in writing to return to the King concerning the grant of sixty miles square on the eastern side of Connecticut River, &c., to Jeames, Marquis Hamilton, from the Council of Plimouth in Devon, in the year 1635.

That there may be a place appointed betwixt the two rivers of Pawcatuck and Mohegen for those Pequot Indians who now live on the eastern side of Pawkatuck River, where they shall continue till March the 1st, 1665 ; and that then, if not before, they may be removed to that appointed place, and leave the King's Province free.

That they may continue a distinct body of themselves, not put under other sachems nor their own, but under an Indian Governor appointed by the Court, at least till the King's pleasure be known, they having requested this of us upon good reasons. We mean the whole body of the Pequott Indians, both Robin's company as well as the other.

And that you would let us know in what particulars you would have us to be solicitous to his Majesty for the advantage of your Colony, and it shall cordially be endeavored by your assured friends,

ROBERT CARR.
GEORGE CARTWRIGHT.
SAMUELL MAVERICK.

NEW LONDŌ, March 25, 1665.

This is a true copy of the original presented to the Court, and now attested so to be, per me,

J. WINTHROP.

April 20, 1665.

To the Governor and General Court of Conecticut.

WE were commanded principally to recommend these things to you from his Majesty : —

1. That all householders inhabiting this Colony take the oath of allegiance, and that the administration of justice be in his Majesty's name.

2. That all men of competent estates and of civil conversation, though of different judgments, may be admitted to be freemen, and have liberty to choose, or to be chosen, officers both military and civil.

3. That all persons of civil lives may freely enjoy the liberty of their consciences and the worship of God in that way which they think best provided that this liberty tend not to the disturbance of the public nor to the hindrance of the maintenance of ministers regularly chosen, in each respective parish or township.

4. That all laws and expressions in laws derogatory to his Majesty, if any such have been made in these late troublesome times, may be repealed, altered, and taken off the file.

ROBERT CARR.

GEORGE CARTWRIGHT.

SAMUELL MAUERICKE.

This is a true copy of the original, which was presented to the court, and now is attested by me, John Winthrop,¹ April 20, 1665.

Indorsed, "Copy of the proposals of the Kings's Commissioners."

¹ This copy is principally in the hand of Governor Winthrop. See Colonial Records of Connecticut, Vol. I. pp. 439-441, for the answer to this request of the Commissioners. — Eds.

CONFIRMATORY INDIAN DEEDS TO HUMPHREY ATHERTON
AND COMPANY.

*The old Queen's Covenant to Rich: Smyth and to Majr. Atherton,
May 8, 1668. — To be returned to Mr. Shrimpton.*

We, whose names are underwritten, being counsellors and chief men unto We:tous:Soun:k:u:tous, mother to Scuttap and Que:quag:a:newett, late deceased, do by these presents own and acknowledge that all the lands within the bounds of a deed bearing date the 4th July, 1659, made by Coginaquand¹ unto Major Atherton and his friends, to be to them, their heirs and assigns forever, as also the lands of Richard Smith excepted in the foresaid deed, it being bounded by a maple tree on the northwest side of his house to a rocky hill, and so to Anock:atuck:et River on this side the great plain, and all on the other side to belong, from thence to Pasackawen and Mattatuxitt Brook down to Pittaquamscutt to the sea, to Major Ather[ton] and Company, according to the contents of the abovesaid deed, and do engage not to disturb any English building within the foresaid bounds. Witness our hands, this 8th May, 1668. Also we own that any of the abovesaid parties have liberty to mow or make hay, or cut timber in any place without the foresaid bounds. Witness our hands, the day and year abovesaid.

The mark of

POWTUCK, ~ Counselor.

The mark of

MA:GA:NOTT, Z Counselor.

The mark of

NO:NA:PEM:O V, Counselor.

The mark of

YE:YA:NOMPAMETT, ∩ Counselor.

The mark of

NO:SA:TACK, 8, also JOHN.

¹ This chief, whose name—spelled with some variation—so often appears in these several deeds to the Atherton proprietors, is said to have been

Witness hereunto : —

POP-POW,  his mark, Indian.

The mark of

JOHN H JOHNSON.

LADWICK E ANDICK.¹

Indorsed, "The old Queen's Counsellors with Richard Smith. No. 5."

CONFIRMATORY DEEDS TO ATHERTON AND ASSOCIATES.

THESE presents witness that I, Mattan:tuck, Squo sachem of Narragansett, and mother to Scuttub, deceased, do by these presents ratify and confirm all deeds made by my sons, formerly signed unto Major Atherton and his associates, the one bearing date the 29th of September, 1660, the other the 13th day of October, 1660; all which deeds, as afore, I do by these presents ratify, confirm, and own to be authentic and firm unto Major Atherton and associates, to them and their heirs forever, and do promise that none of that company shall be molested in the peaceable enjoyment of any and all lands mentioned within the foresaid deeds. Also whereas my son did give possession formerly of all the lands at Petaquamscott Rock, I do by these presents own and acknowledge that lawful and full possession was then given unto Capt. Edward Hutchinson, Capt. William Hudson, and Richard Smith, in the behalf of themselves and their associates; also I do promise to give

a brother of Miantonomo. See the paper in this volume giving "the lineal and collateral" descendants of Canonicus. A brief summary of several of these Indian deeds may be seen in the Appendix to Vol. II. No. VII. Colonial Records of Connecticut, headed "The Mortgaged Lands, Major Atherton and his Partners." See also Potter's Early Hist. of Narragansett, *passim*, for documents relating to these Indian grants. — Eds.

¹ Uncertain; probably intended for Lodowick Updick. — Eds.

possession again of the foresaid lands. Witness my mark, the 1st of October, 1668.

The mark of
MATTANTUCK, † Squo Sachem.¹

Witness hereunto English and Indians:—

POWTUCK ∟ NOSAIKE, D alias JOHN.

PAWCOUNTS, T his mark.

The mark of ∨ MAGRAMT.

The mark of A WANTOKE.

RICHARD WAYTE.

The mark of

WILLIAM W WRIGHT.

SAMUEL MOSELY.

SAMUEL WAIT.

ANAPANGUEW, C his mark.

I, Quo:na pinick, do own that all the grass in the Narragansett that I have any right to belongs to Major Atherton and Company, and do ratify and allow of what is expressed in this above writing, as witness my mark, the day and year above said.

The mark of
QUO: PINACK, ♂.

BOUNDARY BETWEEN CONNECTICUT AND RHODE ISLAND.

Instructions for Mr. James Richards on behalf of this Colony of Connecticut, respecting the Narragansett Lands.

1st. That the Narragansett lands lie circumscribed within the bounds of our Charter.

2dly. That although the Rhode Island agents obtained

¹ No one of the Indian deeds hitherto printed in this volume is the original document. They are all simply transcripts, so that probably but little confidence can be placed in the genuineness of the signatures or "marks" of the signers as to their resemblance to the originals. And in representing these copies in print we have attempted to give only a general resemblance. — EDS.

afterward an agreement with Mr. Winthrop,¹ yet, 1st, his agency for the Colony was expired then, and himself hath so declared; 2dly, that agreement was made null by their own violation of the honor and terms of it by their opposing the proprietors' or inhabitants' liberty to choose and subject themselves to that government which they had elected and submitted unto; 3dly, by that means the country was planted in such a dissolute, forlorn, and heathenish manner as was both to the dishonor of God, our King and nation, and so forlornly situate as exposed it to ruin by the heathen; 4thly, by them, that is the heathen, it was wasted and so totally depopulate and burnt up as it is; 5thly, Rhode Island refused or neglected to assist in the war to recover it; 6thly, that by the success in the war it was reduced and vanquished upon the account of this Colony's charge in great part, and loss of many lives.

7thly, from hence it may appear that Rhode Island's after Charter (with non obstante) was illegal and surreptitious. By it both his Majesty, ourselves, and the said people inhabiting abused. As for their plea of the Commissioners' concessions, it is invalid, for that Colonel Nickols being the only quorum was not present when it was done, nor was it approved by him.²

Indorsed, "Instructions to Mr. James Richards from the Court at Hartford about Road Island Charter."

¹ Since writing the note on page 50, to the agreement between Winthrop and Clarke, here referred to, in which we noticed the several copies extant of that document, we have seen still another copy, which is printed in the Appendix to Vol. II. of the Colonial Records of Connecticut, p. 528; and which, the editor says, is taken from the original indenture on file in the Secretary's office. In this copy the name of "Richard Dean" is wanting among the signers to the first part, and the date also is wanting to the signing, sealing, and delivering; while as witnesses to the latter neither the name of "J. Beane" nor "William Potts" appears; and that of "B. Worsley," who signed above, is there substituted. Winthrop's signature is wanting, but that would not be necessary if the paper were his part of an indenture. — Eds.

² There is no date to this paper, but it is in answer to a Rhode Island letter bearing date April 20, 1668. See Records of the Colony of Rhode Island, II. 229, 230; Colonial Records of Connecticut, II. 531, 532.— Eds.

JOHN WINTHROP TO JOHN ALLYN AND JAMES RICHARDS.

SIRS, — Being desired by a squadron of justices of the peace, as the fag end of a late committee, to give them a meeting at Stonington, am informed that some persons by authority from Rhode Island have seized the justice and constable appointed by yourselves at Wickford, whom they have imprisoned, and there remain to the scandal of your government and ruin to themselves and families. How far we are guilty of their sufferings you may easily perceive, when by the power of government we pretended a right to them, and by that power forced them from their obedience to a government under which they remained, though unjustly, yet with peace to themselves and estates, and by this action left them in a condition a thousand times more unhappy, and subject to the prejudices of their former pretenders. I presume these unhappy consequences upon the change of government were foreseen by yourselves; but by what accident it was forgot to leave a sufficient authority to check such extravagant proceedings, I cannot now remember. The necessity of some speedy relief in this extremity to surprise and secure the heads of that unruly faction at Petaquamscot pleads hard for your favor. The people here have expressed extraordinary readiness to attend your commands in the prosecution of this matter to a full issue. The general opinion (and I believe grounded upon good reason) runs strong that the principal hindrance to a quiet compliance is chiefly from those impertinent brutes at Petaquamscot, who yet may easily be reduced to a Conecticot civility; and for the present, till farther command from the General Court, I presume that if there were a power left in the hands of some particular persons in these parts to manage those concernments in your absence, it might I question not occasion a quiet settle-

ment. For I dare confidently assure you that the only last hope of that Colony is grounded upon the wonted slowness and moderation of your motions, — an inconveniency which in this case may prove of unhappy consequence. Sirs, haste forbids me to add. The gentlemen being hasty to attend you, prevents me from a more orderly discourse, which I hope you will please to excuse and preserve in your good opinion. Sirs, your affectionate, faithful, humble servant,

J. W.

STONINGTON, July, 1670.

Indorsed, "A copy of my letter to Capt. Allyn and Mr. James Richards, sent by Mr. Noyes and Mr. Palmer." Neither this copy nor the indorsement is in Gov. Winthrop's hand.

COPIES OF DEEDS BETWEEN JOHN MASON AND UNCAS,
OWANECO, AND ATTAWANHOOD.

WHEREAS Uncas, Owaneco, and Attawanhood, sachems of Moheage, have formerly fully and freely given and granted to Major John Mason, his heirs and assigns, the benefit and profit of all such lands as do belong to us, or either of us, or shall at any time be sold or disposed to any person or persons, to him, the said Major Mason, his heirs and assigns forever; and now, for divers good causes and considerations, we do ratify and confirm the same. And we, the said Uncas, Owaneco, and Attawanhood, do promise, engage, and bind ourselves, our heirs and successors, for the performance thereof, that he, the said Major Mason, his heirs and successors, shall have and receive to their proper use and behoof the one half the profit and value of all such lands, woods, ponds, minerals, herbage, rents, &c., that shall at any time arise and accrue upon the premises. And we, the said Uncas, Owaneco, and Attawanhood, do promise and firmly engage and bind

ourselves, our heirs and successors forever, that neither we nor either of us, our heirs or successors forever, shall at any time make sale or any ways dispose of the premises, or any part of the same, without the consent and allowance of him, the said Major Mason, his heirs and successors. In witness whereof, we have hereunto set our hands, the 14th of December, 1665.

Be it therefore known to all men by these presents, that I, the said Major Mason, for divers good reasons and considerations, do entail and bind over unto the said Uncas, Owaneco, and Attawanhood a certain parcel of land at Mushantackuck, thus bounded, viz.: Abutting upon the River of Moheage on the east, upon New London bounds southerly, and so to go westward to the uttermost extent of London bounds, and from thence northerly to the uttermost end of the western bounds of Norwich, and from thence eastwardly to the mouth of Trading Cove; which aforesaid tract or parcel of land I, the said Major Mason, do by these presents dispose, confer, establish, and confirm unto and upon Uncas, Owaneco, and Attawanhood, their heirs and successors forever, that neither they, their heirs or successors, shall at any time make sale or any other ways dispose of the premises or any part or parcel thereof; and if any person or persons whatsoever shall at any time procure any grants from the aforesaid sachems or their successors, the same shall be of no value or effect. In witness whereof I have hereunto set my hand, the 9th of May, 1671.

JOHN MASON.

Testi: JAMES FITCH, Senr.
DANIELL MASON.

The above written is a true copy of the original, being examined and compared therewith this 17th of May, 1671, as attests

JOHN ALLYN, *Secretary.*

The above written, with what is on the other side of this half-sheet, is a true copy of the original instrument, signed "John Mason," as it stands recorded in the public records of her Majesty's Colony of Connecticut, in the 24th fol^o of Book Number A.

Test. ELEAZAR KIMBERLY, *Secr'y*.

A COMMISSION OF GOVERNMENT AT WICKFORD.

WICKFORD, June 14th, 1672.

WHEREAS the Narragansett country being within the limits and precincts of his Majesty's Colony of Conecticott, the General Court did erect government and constitute officers for the orderly government of those parts, which, besides their patent rights and duty, having been often much solicited thereunto by Mr. Richard Smith, Capt. Hutchinson, Capt. Hudson, and many other principal inhabitants and proprietors, we therefore, the Commissioners of the General Court of Conecticott, according to commission given by the said Court, May 9, 1672, under the seal of the Colony,¹ do hereby declare Mr. Richard Smith to be invested with magistratical power throughout the Narragansett country, who, with the assistance of Capt. Hutchinson, Capt. Hudson, and Mr. Cole, or any one or two of them, whose authority as Commissioners is hereby renewed and confirmed, are hereby fully authorized and empowered to keep courts in the said country, to hear and try by juries all causes not exceeding twenty pounds, provided Mr. Smith be president of the said courts, or in his absence Mr. Hutchinson.

¹ See Colonial Records of Connecticut, Vol. II. p. 173. — Eds.

And we do hereby declare that it is expected and required by the General Court of Conecticott that all the inhabitants of the Narragansett country do yield due obedience and subjection to the wholesome laws and lawful authority established by the said government of Conecticott, hereby declaring all commissions granted to any other person within the limits of Narragansett to be wholly void and null; and that all persons whatsoever are hereby required and commanded to forbear exercising any authority, upon their peril, but what shall be derived from the Colony of Conecticott, unto which we have subscribed our hands, affixed our seals, the day and year above said.

SAM^{LL} WILLYS. (Seal.)

JOHN TALLCOTT. (Seal.)

JOHN WINTHROP. (Seal.)

Indorsed, "Copy of a commission at Wickford, 1672."

INDIAN CONFIRMATION OF LANDS TO HUMPHREY ATHERTON AND ASSOCIATES.

WHEREAS my father, Cochanaquand, lately of the Narogansets, deceased, sold unto Governor Winthrop, Major-General Humphrey Atherton, and their associates, a certain tract of lands in the Narroganset country aforesaid, he being sachem and chief owner thereof: Know all men by these presents, that I, Quanapin, his son, do hereby declare and manifest, so that there may be no farther scruple of any further contest in or about the sale of the premises, that I give my free consent and full confirmation of the sale thereof, never any demand to be of any

right from me or mine, or my heirs forever, as witness my hand, 24 October, 1672.

QUANAPIN, ♂ Sachem, his mark.

Test. : Two interpreters, called by the names of Joseph, that lived at

THO. GOLD'S, — his mark.

POTTAWANA SAM, — his mark.

SAM^{LL} his mark BOSWORTH.

1672.

Indorsed, "24 Oct., 1672. Quanapin, son of Cojanaquand, and Sachem. Confirmation of his father's grants. No. 6."

FRANCIS LOVELACE TO JOHN WINTHROP.

For the Honorable John Wintrop, Esq., Governor of his Majesty's Colony of Conneticut, and Hartford, these. Post-paid. — F. LOVELACE.

FORT JAMES, 27th December, 1672.

DEAR SIR, — I here presented you with two rarities, — a packet of the latest intelligence I could meet withal, and a post. By the first you will see what has been acted on the stage of Europe ; by the latter you will meet with a monthly fresh supply, so that if it receive but the same ardent inclinations from you as first it had from myself, by our monthly advices all public occurrences may be transmitted betwixt us, together with several other great conveniences of public importance, consonant to the commands laid upon us by his Sacred Majesty, who strictly enjoins all his American subjects to enter into a close correspondency with each other. This I look upon as the most compendious means to beget a mutual understanding ; and that it may receive all the countenance from you for its future duration, I shall acquaint you with the model I have proposed, and if you please but to make

an addition to it, or subtraction, or any other alteration, I shall be ready to comply with you. This person that has undertaken this employment I conceived most proper, being both active, stout, and indefatigable. He is sworn as to his fidelity. I have affixed an annual salary on him, which, together with the advantage of his letters and other small portable packs, may afford him a handsome livelihood. Hartford is the first stage I have designed him to change his horse, where constantly I expect he should have a fresh one lie ledger. All the letters outward shall be delivered gratis, with a signification of post-paid on the superscription, and reciprocally we expect all to us free. Each first Monday of the month he sets out from New York, and is to return within the month from Boston to us again. The mail has divers bags, according to the towns the letters are designed to, which are all sealed up, till their arrivement, with the seal of the Secretary's office, whose care it is on Saturday night to seal them up; only by-letters are in an open bag, to disperse by the ways. Thus you see the scheme I have drawn to promote a happy correspondence. I shall only beg of you your furtherance to so universal a good work; that is, to afford him directions where and to whom to make his application to upon his arrival at Boston, as likewise to afford him what letters you can to establish him in that employment there. It would be much advantageous to our design if in the interval you discourse with some of the most able woodmen to make out the best and most facile way for a post, which in process of time would be the King's best highway, as likewise passages and accommodation at rivers, fords, or other necessary places. But I need not enlarge myself on this subject, knowing you understand the scope as well as myself, and therefore I entirely recommend it to you. Lastly, if this can inflame your zeal to so public a concern, to have the possibility of receiving a personal

trouble from me to discourse it further (*Deo volente*), this next spring I shall attend. . . . I am, with all respect, your very affectionate friend,

FRA. LOVELACE.

I have sent you all the news I lately received, which, when you have perused, you may dispose of to your friends at Boston, and desire them to return all now is stirring.

FRANCIS LOVELACE TO JOHN WINTHROP.

For the Honorable John Winthrop, Esq., Governor of his Majesty's Province of Conecticott, at Hartford. — Post-paid.

SIR, — In my former letters, which I designed should have visited you soon after New Year's day, I sent you all the intelligence these parts could afford; since which I have received advertisement by a vessel from Mary-Land of the arrival of several ships to that place, as likewise to Virginea, to the number of above sixty sail, all which were conducted through the Channell by a strong convoy of his Majesty's. They bring little tidings, save the despair of a peace between the Protestant nations. Presses both by sea and land are very vigorously prosecuted. The Hollander has absolutely lost three of their Provinces. They have disposed of all their men-of-war, and given liberty to all that will venture on privateering, insomuch that forty sail, well fitted, are despatched towards the West Indyes. If so, it will be high time for us to begin to buckle on our armor, and to put ourselves into such a posture of defence as is most suitable to our several conditions. However, it will be absolutely necessary that in the first place a good understanding be made and preserved amongst us, conformable to his Majesty's gracious care and good pleasure; to which end I have

erected a constant post, which shall monthly pass betwixt us, or oftener if occasion requires. I desire of you to favor the undertaking by your best skill and countenance. I have writ to you my more particular desires in a former letter, which this bearer brings likewise, to which I refer you.¹ Sir, the occasion of the retardment of the post was the great expectation of our Albany post, being desirous to have some tidings from thence. The occasion of his stop so long you will find by the enclosed letter from the Governor there, which I desire you to peruse, and if you please to signify the contents to the neighboring Colonies, but send me the letter back. I dare not absolutely promise you to give you the trouble of a visit in the spring, it being times for action, and I would not willingly disappoint you, though my desires are very ardent to wait on you. Sir, I heartily condole with you the loss of your excellent lady; but we must all stoop to Fate. God prepare us all for that change! I am, with all respect, your affectionate friend,

FRAN. LOUELACE.

FORT JAMES, January 22, 1672-3.

Indorsed by Gov. Winthrop, "Governor Lovelace. Received Feb. 6, 1672."

¹ See the letter immediately preceding. "Lovelace," says Brodhead (*Hist. of New York*, II. 198), "is certainly entitled to the credit of having established the first post between New York and New England, but the pioneer whom he intended to despatch on New Year's day was kept back until the Albany news reached the capital. . . . Massachusetts does not appear to have taken any steps respecting a post until 1677. See *Mass. Col. Rec.*, V. 147, 148; *Palfrey*, III. 306, 548." — Eds.

MATTHIAS NICHOLS TO FITZJOHN WINTHROP.

These to my honored Friend, Capt. John Winthrop, present.

HARTFORD, July 29th, 1673.

DEAR SIR, — Our Governor having long since a design to give a visit to the Governor, your worthy father, in which I was to have a vacation from other business, and to accompany him, I thought myself happy in the opportunity, thinking more particularly to receive the content of kissing your hands, and for some season to enjoy your good society; but at length being arrived, I find my ill fortune deprives me of that satisfaction, by your affairs detaining you elsewhere, to which place I should quickly post, did not my attendance on the Governor's return this morning homewards deny me that privilege. I am not yet willing to despair of your coming once more to New York, where you may rest confident to receive as hearty a welcome as ever, both from the Governor and others, of whom I shall not be the most backwards in expressing to my utmost the service I owe you. In near time, as occasion presents, I shall be infinitely glad to hear of your welfare, promising to omit no opportunity of discoursing with you by letter, since I cannot attain a nearer conversation, and by all means shall endeavor to approve myself, dear sir, your most affectionate humble servant,

MATTHIAS NICOLLS.¹

Indorsed, "Capt. Nicolls, Secretary of N. York. Aug. 3, 1673."

¹ The writer was Secretary of the Province of New York under the English; soon to be superseded by Nicholas Bayard, who was Secretary under the new Dutch government to be set up on the following day. — Eds.

FRANCIS LOVELACE TO JOHN WINTHROP.

*These to the Hon. John Winthorp, Esq., Governor of his Majesty's Colony of Conecticott, present at Hartford. — Haste, haste, post-haste! For his Majesty's special service.*¹

DEAR SIR, — At Newhaven I received the unwelcome news of the Dutch approach before New York.² I call it unwelcome in regard I was not in the place. They appeared at first with ten sail, afterwards seventeen; yesterday, about five or six of the clock, they stormed it. A hot dispute, it seems, it was. How the success was I cannot as yet learn. They, I understand, have breakfasted on all my sheep and cattle on Staten Iland. I am hastening as fast as I can to make on. God spare me but to get in, and I doubt not but [to] give a good account of it. Capt. Treate and all the worthy gentlemen that accompanied me have been very civil and active to advance my journey. They have formed a post from Mr. Risbell's to you. Pray let it be continued for intelligence. I wrote to you from Milfourd to Mr. Bryan, wherein I gave you my sense how necessary it will be to form a militia; for if it should miscarry, they must not radicate long. I am yet out of their power, and am hastening now over to Long Iland to raise the militia there. You shall hear of my motion. Pray despatch away to Boston. I have no more. But God Almighty preserve you, and send us a

¹ This letter is already printed, with some passages omitted, in 3 Mass. Hist. Soc. Coll., X. 86, and in Brodhead's Documents, III. 198; but it properly finds a place here in connection with Winthrop's reply. The writer was returning home from a visit to Gov. Winthrop. — Eds.

² The reconquest of New York by the Dutch took place on the 30th of July, 1673, on which day Fort James surrendered; that is to say, the day before this letter was written. See Brodhead's History of New York, Vol. II., for a minute account of the proceedings which these letters serve to illustrate. Mr. Brodhead had the advantage of consulting and making use of these letters in preparing this part of his History. — Eds.

happy meeting, -- if not here, yet hereafter, which is much better. I am your affectionate friend,

FRAN. LOUELACE.

MOMORINOCK, Thursday, at 10 of the clock.

[July 31, 1673.]

Indorsed by Gov. Winthrop, "Gov. Lovelace. Received Aug. 1, 1673."

JOHN WINTHROP TO FRANCIS LOVELACE.

HONORABLE SIR, — I received yours of Thursday last from Momorinack the next day at evening, and am very much troubled that you met such unwelcome news by the way in your return. So much of it as we heard before from New Haven was presently hasted towards Boston; and this farther intelligence by your letter was that night despatched by post thither also, and we have likewise posted away the notice thereof to New London, and those and other parts of this Colony, and to Road Island and those parts also, as also that way to the Governor of New Plimoth. There is yet no notice any way come hitherto what fleet it is, whether those privateers spoken of long since, or that fleet out of the West Indies which were seen at Guardeloope, nor what number of men they have, which may be guessed at by the bigness of the ships, if that could be known. There is order hence for the careful continuance of that post from Mr. Richbell's and the inter-jacent places, by which we hope for farther constant and speedy tidings, whereby we may be directed, and desire the Almighty to direct yourself and us all in these great concerns, and to put a good issue, in the preservation of all his Majesty's Colonies.

Having been something ill lately, I was constrained after I had written those lines, and was about to transcribe them, to make use of the help of Mr. Allyn, as

appears, and must therein desire your excuse upon some renewed infirmity of your most humble servant,

J. WINTHROP.

HARTFORD, August 2, 1673.

POSTSCRIPT. — Sir, just as this letter was sealing, I received from Boston a packet of letters to your Honor, which I have by this post conveyed to your Honor. I also received a letter from the Governor of Boston, dated July the 29, which saith that “that day arrived a sloop from Virginia with ten days’ passage, who brings intelligence of the Dutch fleet being seventeen in number, all ships of force, who, upon the 12 of July instant, being Saturday last was fortnight, about two of the clock in the afternoon, fell in upon his Majesty’s frigates and the merchant-men that were embodying in the bay, and engaged them while within two hours of night, in which action one Capt. Gardiner in one of his Majesty’s ships of forty-six guns passed through the enemy three times. The merchant-men not keeping up with him according to engagement, upon his third pass he came up with the Dutch admiral, gave him a broadside, and brought him by the lee, and so made his retreat, securing the merchant-men in going up the river, in which action the Dutch destroyed six and took six more of our English merchant-men. Since that day they keep about Poynt Comfort, and give out they intend to land and fortify there, only three of their men-of-war are plying between the Capes, where this vessel left them. The 20th instant, the frigates and merchant-men are mostly in James River. They also report that the Dutch are able to land three thousand men, who say their design is for more than ships and tobacco, but what I do not understand. This I thought incumbent to communicate to your Honor. Having not farther to trouble you with, but my due respects and service, I commend you to God, and remain, sir, your humble servant, J. L.”

I have despatched two ways the advice of this matter to Governor Lovelace. I was constrained also to have this postscript transcribed out of Governor Leveret's letter by the same hand, which is all the intelligence that is this week come to the cognizance of your faithful servant,¹

J. WINTHROP.

Indorsed by Gov. Winthrop, "The original which was directed to Gov. Lovelace and sent with another packet for him from Mr. Dervall from Boston, but were both sent back from Fairfield by Mr. Gold, there being no passage for them to Gov. Lovelace, not being known where he was to direct it to him."

FRANCIS LOVELACE TO JOHN WINTHROP.

*For his much-honored Friend, Jo. Winthrop, Esq., Governor of the Colony
Conetecutt, at Hartford.*

DEAR SIR, — Meeting with this opportunity to write, I durst not neglect it, not knowing but it may be the last. The sad catastrophe that has attended his Royal Highness's interest is unspeakable and insupportable to me; but we must all stoop to the disposal of the hand of Providence, without whose permission a sparrow falls not to the ground. I had the honor to see those gentlemen you sent on your deputation just at their arrival, and assured them I would improve that short interview to a longer enjoyment, to which end appointed a place to meet me; but I could not obtain so great a favor from them, though I was coming to them. But Mr. Nicolls assured me they were newly departed. I am now intending for England, with all the conveniency I may, unless prevented. Al-

¹ The last paragraph in the text of this letter and the last paragraph in the postscript are in Gov. Winthrop's hand, the remainder in that of Secretary Allyn. This is the original letter sent to Gov. Lovelace, and returned, as explained in Winthrop's note. — Eds.

bany is surrendered on the same terms this did, which was too lean and poor for persons of honor, however they would willingly frame some excuses, and shoulder the blame and burthen from one to the other. Some shelter themselves under the shield of my absence, which, though (it is confessed) it proved unfortunate, yet the means that were afforded them to a handsomer resistance and prudent managery can plead no excuse. To be brief, it was digitus Dei, who exalts and depresses as He pleases, and to whom we must all submit. Would you be curious to know what my losses might amount to, I can in short resolve you. It was my all which ever I had been collecting, too great to miss in this wilderness, and considering the voyage I am about. Sir, I shall detain you no longer then what my best wishes can speak and procure, that God would afford you a proportionable strength to resist all accidents, and bless the end with great success. My service to all our friends, and to your most excellent daughters. Farewell! Your most affectionate humble servant,

FRAN. LOUELACE.

MANHATANS, 15th of August, 1673.

Indorsed by Gov. Winthrop, "Gov. Lovelace. Received Aug. 22."

MATTHIAS NICHOLS TO JOHN WINTHROP.

These to the Hon. John Winthrop, Esq., Governor of his Majesty's Colony of Conecticott, present at Hartford.

HONORABLE SIR, — Mr. Sharpe (one of our fellow sufferers, who with me came of the last of our nation out of New Yorke, who are not permitted to stay there), travelling the way for Boston, I thought myself obliged, in duty and gratitude for your civil favors, to present you my best respects and service in a line or two by him. To

him I refer your Honor for intelligence about the affairs and late transactions at New Yorke. I understand Col. Morris, who is now bound for that place, at his return intends to give your Honor a visit, when I think to wait on you with him. In mean time I humbly take my leave, and subscribe, honorable sir, your most humble and obedient servant,

MATTHIAS NICOLLS.

MILFORD, Sept. 24, 1673.

Indorsed by Gov. Winthrop, "Capt. Nicolls. Received Sept. 27."

THE COLONY OF CONNECTICUT TO THE DUTCH COMMANDERS AT MANHADOS.¹

These for the Commander-in-Chief of the Dutch Forces in the Manadûs.

HARTFORD, October 21, 1673.

SIR,—It being not the manner of Christian or civil nations to disturb the poor people in country cottages or open villages in the times of war, much less to impose oaths upon them, but to suffer them to go on with their husbandry and other country affairs, we cannot but wonder to hear that some of yours, (notwithstanding a caution formerly to the sea commanders,) having been lately down towards the eastern end of Long Island, have urged his Majesty's subjects there to take an oath contrary to their due allegiance to their sovereign, and to use many threatening expressions towards them in case of the refusal of such an oath. We thought fit, therefore, hereby to let you know that we can scarce believe that such commission could proceed from yourself, whom we have heard to be a soldier, and well acquainted with martial affairs,

¹ The text of this letter, to Anthony Colve, the new Dutch Governor, is printed in the Colonial Records of Connecticut, Vol. II., App. xiv., but the answer following it is now for the first time printed. — Eds.

and may suppose you understand better the law of nations and the customs and usages of persons of honor in their pretences of war; and we cannot guess at the reasons should move to such molestation towards poor planters, except it be to obtain some plausible pretence for plundering and pillaging, which, if it should be done, we know very well where there may be easy reparation among your boores and open dorps; but the English will scorn such unchristian designs, except barbarous depredations from yourselves should necessitate retribution to the injured. You may be assured, if you proceed in provocations to constraine the rising of the English Colonies, they will not make it their work to tamper with your peasants about swearing, but deal with your headquarters; which yet, if reduced to obedience to his Majesty, may certainly expect thereby much more happiness and larger immunities without such imposture than can be enjoyed by them in the station wherein they now are. Mr. John Bankes is a messenger, by whom we send these, who can further inform you how tender we are of effusion of Christian blood, yet cannot but resent with great indignation if any malicious oppression shall be forced upon our dear neighbors, his Majesty's good subjects.

These animadversions are represented to your serious consideration, from

JOHN ALLYN, *Secretary,*

In the name and by the order of the Governor
and General Court of Conecticut.

Indorsed by Gov. Winthrop, "Copy of the letter to the Dutch Commander sent from Manhatoes in his letter of Nov. 5 Stilo Novo."¹

¹ The copy was returned with this memorandum at foot:—

"The superscription was, These for the Commander-in-Chief of the Dûch forces in the Manadûs, this per me, John Bankes.

"The original of this above-written paper was delivered unclosed and unsealed, only being folded up, and in the margent a drop of sealing-wax impressed with a thumb or finger." — EDS.

THE GOVERNOR-GENERAL OF NEW NETHERLAND TO THE
COLONY OF CONNECTICUT.

*To Mr. John Winthroe, commanding at Hartford, and the Assembly of the
English Inhabitants of Connecticut.*

MESSIEURS, — Yesterday I had your letter of 31st October, old style, wherein perceive that the former of 21st of same month, delivered by John Bancks, came from you, to which this serves for answer. It is very well known unto me in what manner the subjects of their High and Mightiness' inhabitants of open parishes and villages ought to be used, but more well known that am not held to give you any account concerning it. It is sufficiently known, and can also appear by their written requests, that the inhabitants of the east end of Long Islands have submitted and declared themselves subjects of their High and Mightiness, giving over their colors and constables' stands, performing nomination of schout magistrates and secretaries. The election of the same, as ought, is also followed thereupon. Further, by their deputies requested that the appointed magistrates might be excused from coming hither to take the oath; but in regard it was needful to send commissioners thither to bring the commons under the oath, that they might be qualified to administer the same in like manner to the magistrates, which was consented to for their conveniency, and also unquestionably would have been attended by them if some evil disposed that went out from you had not hindered them therein. I am here to maintain the right of their High and Mightiness and his Serene Highness, the Lord Prince of Orange, therefore take little notice of your strange and threatening expressions, knowing with the power I am intrusted withal, under God's blessing, to take such means in hand to bring rebels to their due obedience, and cause

those that stiffen such in their unright-measured proceedings to change their evil undertakings.

Concerning your writing of that, Through barbarous instigations should be necessitated to do great disturbances to the Dutch open parishes, but that the English abhor such like unchristian designs: it is known through the whole world in what soft manner vanquished enemies are treated by us, whereof your nation is not ignorant, as well in the former as present war; our fleets having had opportunity enough to cause great damage, yea ruin of whole countries; but have not showed any disposition thereto, which was not omitted by your nation upon the Island Ter Schellingh to poor fishers and husbandmen. I count it unneedful to answer any further particulars of your letter, therefore break off and subscribe,

By order of the Honorable Lord Governor-General of
New Netherland,

N. BAYARD, *Secretary*.¹

FORT WM. HENDRICK, 14th November, 1673 [N. S.].

Indorsed by Gov. Winthrop, "English copy of the Dutch Commander's letter, by J. Banks."

¹ The original of this letter to Gov. Winthrop, written by the Secretary, Nicholas Bayard, in the Dutch language, is on file. That bears the date of 18th November, while this English version, filed with it, is dated the 14th. The letter to the Dutch Commander, or "Governor-General," of October 21, immediately preceding this, from which we print, is a copy made by Secretary Bayard, in the same hand as the Dutch letter, and returned to Gov. Winthrop without an answer, but with the memorandum at foot which we print. It seems that the requisite diplomatic formalities of envelope and seal did not accompany the communication from the Connecticut authorities, and it required a second letter to bring an answer.

Two months earlier, on the 7th of August, Connecticut sent a remonstrance to the Dutch commander for outrages committed on its citizens, to which a reply was received. The papers are here on file, but we do not print them, as they have already been published in the Colonial Records of Connecticut, II., App. xiv. — Eds.

*

KILLED AND WOUNDED IN THE NARRAGANSETT FIGHT.

A List of the Persons slain and wounded in the engagement with the Indians, on 19 December, '75.

Major Apleton,	2 dead,	22 wounded.
Capt. Mosley,	9 “	10 “
Capt. Olliuer,	5 “	10 “
Capt. Gardiner,	7 “	11 “
Capt. Johnson,	3 “	11 “
Capt. Davenport,	4 “	15 “
And 5 lost	<u>30</u> “	<u>79</u> “
		30
		5
		<u>114</u>

New Hauen County, 8 dead, 12 wounded. }

Capt. Sealy, 20 dead and wounded.

Capt. Marshall, 14.

Capt. Watts, 17.

Capt. Bradford and Capt. Gorum, 20 dead and wounded.

Two troopers dead.

Captains slain : —

Capt. Dauenport.

Capt. Marshall.

Capt. Johnson.

Capt. Gallop.

Capt. Gardner.

Captains wounded : —

Capt. Sealy.

Capt. Mason.

Capt. Watts.

Capt. Bradford.

Lieutenants wounded : —

Lieut. Sauage.

Lieut. Swaine.

Lieut. Ting.

Lieut. Vpham.

Capt. Goulding, wounded.

Nichs. Power, dead.

Richard Updike, dead.

James Updike, wounded.

Indorsed by Gov. Winthrop, “List of soldiers killed and wounded at the swamp at Naraganset.”

NAMES OF THE PROPRIETORS IN THE ATHERTON OR NARRAGANSETT COMPANY.

Copia. *A List of the Names of the Proprietors of the mortgage lands at Narragansett, chosen and admitted by Major Humphry Atherton to be equal sharers and partners with him, taken out of the records of the said land, this 3d January, 1676.*

1. Major Humphry Atherton. Now Mr. Tho. Deane's and Jno. Saffin's.
2. Mr. Jno. Winthrope, Governor of Connetticutt, 1.
3. Mr. Simon Bradstreet, 2.
4. Major Danl^l Denison, 3.
5. Major Josiah Winslow, 4. } Now Capt. Tho. Willett's
6. Capt. Tho. Willett, 5. } grandchildren's.
7. Capt. Ric^d Lord, 6.
8. Capt. George Denison, 7. Now Mr. Simon Lynd's.
9. Capt. Edw. Hutchinson, 8, }
10. Lieut. William Hudson, 9, } of Boston.
11. Mr. Amos Richardson, 10, }
12. Elisha Hutchinson, 11, }
13. Mr. Ric^d Smith, Sr., 12, } of Narragansett.
14. Mr. Ric^d Smith, Jr., 13, }
15. James Smith, 14, }
16. Mr. Tho. Stanton, Sr., 15.
17. Mr. Tho. Stanton, Jr., 16.
18. Mr. Increase Atherton, 17. Now Jno. Saffin's.
19. Mr. Jno. Alcock, of Roxbury, 18.
20. Mr. Jno. Brown, Sr., 19. Now Mr. James Brown & Compa.
21. Mr. Fitz Winthrope. }
22. Mr. Wait Winthrope. } Humphry Atherton, 20th.¹

Indorsed, "A catalogue or list of the names of the first English proprietors of Narragansett country, 22 in all."

¹ Why Humphrey Atherton's name, which heads this list, should have been placed here apparently against the names of Fitz and Wait Winthrop is not clear. It may be due to a later scribbler, who also inserted the words "of Boston" and "of Narragansett" against the names of some of the proprietors in the same hand, which is unlike that of the body of the paper, and it may have no significance. Humphrey Atherton died in 1661. — Eds.

ORDER OF THE COMMISSIONERS OF THE UNITED COLONIES RELATING TO PHILIP'S WAR.¹

WHEREAS, by very pregnant reports and intimations in letters from, &c., and by the relation of an Indian formerly belonging to Philip, but hath continued many months at Nahigansett, and is lately returned thence to Taunton in Plymouth Colony, there is much suspicion and probabilities that Indians have been sent from the Nahigansetts to the assistance of the Phillipians and the other uplanders now in open hostility with the English, and that those Nahigansetts have joined with the others in destroying many of the English, their houses and goods, at Springfield, Northampton, Deerfield, and other places, and that have entertained wounded men from those our enemies, and keep constant correspondence with them, besides the detaining those Wampanoge captives beyond the time they engaged to deliver them up to the English.

The Commissioners of the United Colonies, having seriously considered the present danger of the English inhabitants by reason of the rage of the barbarous natives, do agree and determine that, besides the one thousand soldiers formerly appointed to be raised, there be forthwith one thousand more raised, in like proportion in the several Colonies, and well fitted every way with provision and ammunition, to be ready for the service of the country at one hour's warning, and as the Commissioners shall further appoint.

Also the Commissioners do agree and determine that

¹ This rough draft or memorandum is in the handwriting of Gov. Winthrop. It was probably drawn up provisionally, preparatory to the meeting of the Commissioners at Boston, November 2, 1675, at which Winthrop was present, when the substance of the order was adopted. See Hazard, II. 531. Winthrop died in Boston, on the 5th of the following April. — Eds.

forthwith meet persons be appointed and empowered to repair to the Nahigansetts, and demand the delivery of our enemies fled to them for relief and succor, and in case of refusal to be prosecuted as the abettors and friends of our enemies.

The Commissioners do also agree and determine to leave the management of this whole affair to the Massachusetts Council, who are for that end empowered to appoint a meet number of persons to attend the same; and also they are hereby requested and empowered to appoint a commander-in-chief over the one thousand soldiers to be raised as above said, and to give him commission and instruction for their improvement as they shall judge best, for the [illegible] appear to be in [illegible] and we recommend it to the General Courts or Councils of the several Colonies for their consideration, approbation, and speedy preparations accordingly.¹

Indorsed by Gov. Winthrop, "Meeting and subduing of the Narragansetts as there shall be need."

COMPLAINT OF MASSACHUSETTS TO RHODE ISLAND
ABOUT JOHN SAFFIN.¹

These for the Worshipful Jno. Cranson, Esq., Governor of his Majesty's Colony of Rhode Island and Providence Plantacons, &c., to be communicated to the General Court or Council.

GENTLEMEN, — We crave your patience to let you understand we are not a little dissatisfied at your late severe proceedings against one of our inhabitants, Mr. John Saffin, a proprietor of Narraganset, for a matter wherein himself and the rest of the proprietors might

¹ Mr. Saffin was one of the Atherton Company proprietors, he having succeeded to a portion of the interest of Atherton himself. He had been arrested and imprisoned. See Arnold's Rhode Island, I. 447. — Eds.

have expected the encouragement of your government for the planting and settling that country, being moved thereunto by his Majesty's letter to all the Colonies to be helpful to the said proprietors, for the end aforesaid, which we hope upon further consideration you will find just reason to do, and consequently to remit your sentence against Mr. Saffin, and you may expect the like justice from us to any of yours. Otherwise, we shall take such consultation and course in obedience to his Majesty's letter of favor on the behalf of those gentlemen, and for their quiet settlement and improvement there, as may be just for them and honorable for ourselves, and shall plainly tell you we account the United Colonies, to whom it is recommended by his Majesty's said letter, the meet judges therein, and your hasty procedure extra-judicial and imposing. With our respects to you, remain your loving friends,

EDWARD RAWSON, *Secretary,*

In the name and by the order of the Governor
and Council of the Massachusetts.

BOSTON, 3d June, 1679.

Indorsed, "Copia of a letter from the Court or Council of the Massachusetts to Rhode Island, in behalf of John Saffin, 1679."

THE GENEALOGY AND LINEAGE OF UNCAS, SACHEM OF
MOHEAG.

March, 1679.

The Genealogy and Lineage of Uncas, Sachem of Moheage, beginning at Tamaquawshad, who was Grandfather to the said Uncas his Father, and so bringing it down to Uncas and his successors, in which is also showed his native right to such lands, with their respective boundaries, as are hereafter mentioned.

THE above-named Tamaquawshad had many relations, which lived above Queenabaug River, and also up the

Nipmuck country, who were never privileged by marriage into the royal stock; for the said Tamaquawshad had decreed to keep the royal blood within the realm of the Moheags and Pequots.

The great-grandmother of said Uncass was a great queen, and lived at Moheage. Her name was Au-camp-pachaug-sag-gunsh.

His mother's grandfather was the chief sachem of the Pequot country in his time, and lived at Au-cum-bumsk, in the heart of the country, and was named Nuck-quut-do-waus.

Uncas his grandfather was the son of Nuckquutdowaus above named, and was the chief sachem of the Pequot country, and lived at Au-cum-bumsk above named, and was named Weipequund.

His grandmother was the daughter of Weeroum, the chief sachem of the Narragansetts, and her mother's name was Kesh-ke-choo-wat-ma-kunsh, the chief sachem's squaw of the Moheages; and she was niece to Ahaden, who was the son of Nuckquutdowaus, and she was sister to Aucompchang Saggunsh.

Uncas his father, who was wholly of the royal blood, his name was Owaneco, and he was the son of Weipequund, and the said Weipequund and Uncas his mother had both one mother. The said Uncas his mother was called Muck-cun-nup, and her mother before her was called by the same name. Tatobem's father's name was Wopewarrit.

The said Uncas further declareth that, about the time of his father's decease, his said father moved to Tatobem, who was then the great sachem of the Pequot country, for a match between his eldest son and said Tatobem's daughter. The said Tatobem did readily embrace the motion abovesaid, and gave his free consent, alleging that by this conjunction they should keep their lands entire from any violation either from neighboring

or foreign Indians. But before the consummation of this match the said eldest son died; and then, by the determination of the Indian council, both of the Pequots and Moheags, it was concluded and jointly agreed that Uncas, the next brother to the deceased, should proceed in the said match, which thing Uncas accepted, and was married to her about ten years before the Pequot wars, and had three children by her, two of which died, Owaneco only surviving.

Further, the said Uncas doth declare, and looks upon it a thing which may be easily proved from the contract of the great sachems, viz. his father and the sachem of the Pequott country, upon the making of that match above specified, that his right to the Pequott country was good and unquestionable, who, although she was of the Pequott blood, she neither would nor did forsake him in the time of the war; and also he himself, though in such affinity unto the said Pequotts, yet his wife and he showing their fidelity unto the English, himself adventuring for their assistance in that war, that it would look hard to him by this unhappy war to be deprived of his true and legal right to that country, which if it shall seem good to my good friends the English, to my successors, so far as reason shall appear to maintain, it will without doubt be a friendly though not a costly requital of my former or later adventuring my life in my own person, with the lives of my subjects, for their assistance in offence of the enemies of my good friends the English, I shall thankfully accept it from their hands.

Uncass also declares that his grandmother and Momohoes' great-grandmother were own sisters, and that Cattapesset by Usorquence and Man-go-wan-mett of Long Island are both derived of the lineage Nuckquutdowans, and being of the royal blood he desires the English would respect them as such.

October the 19, 1692. The General Court allows the above written, upon Owanecoe's request, to be recorded.

Test, JOHN ALLYN, *Secretary*.

The above written, with what is on the other side of this half-sheet, is a true copy of the original as it stands recorded in the Public Records of her Majesty's Colony of Connecticut, in Book Number P, pp. 299, 300.

Test, ELEAZAR KIMBERLEY, *Secr'y*.¹

Indorsed, "The Genealogy and Lineage of Uncas, Sachem of Moheag."

LINEAL AND COLLATERAL DESCENT OF THE NARRAGANSETT SACHEMS.

The Lineal and Collateral Descent of the Chief Sachems of the Narragansett Country, from whom the legal and most undoubted right of us, the English proprietors of those lands, are derived: drawn down from Connonicus, who when the English came into this Wilderness was known to be and treated with as the Chief Sachem of all those parts.

I. CONNONICUS.

II. MECKSA was eldest son of Connonicus.

III. SCUTTOP was Mecksa's son, and also succeeded him; but he and also Quequacknewett, his brother, both died without issue.

IV. QUENEINIGUS was sister to Scuttop and Quequacknewett; and Mattantuck, wife to Mecksa and sister to Ninicraft, was their mother; she was called the old

¹ This paper, copied from the Connecticut Records, is not in Secretary Kimberley's hand. He simply attests to its being a true copy. Kimberley, in 1696, succeeded Col. John Allyn as Secretary of the Colony of Connecticut, and so continued to his death, in February, 1709.

The paper was first printed in 1769, in a volume known as "The Moge-gan Case." In 1856 it was reprinted in the Historical and Genealogical Register, Vol. X. pp. 227, 228. — Eds.

Queen, and of great authority amongst the Indians. She was slain by the English at Providence in the last war, anno 1676.

Thus ended the lineal descent of that great sachem, Canonicus.

V. MEANTOMINY¹ was collaterally descended from Canonicus, being his brother's son.

VI. COSEQUANCE was brother of Meantominy, and succeeded him; was afterwards called Connonicus.

VII. NUNNANTINUT *alias* QUINONSETT came upon the stage of action, and in the late rebellion of the Indians was shot to death at Stoning Town, anno 1676.

PESACUS, after named Mosup and Manatoweck, was the same person before named Cosequance; for they often change their names.

VIII. COJANAQUANT was brother to the said Cosequance.

IX. QUINAPIN was Cojanaquant's son and heir. He was put to death at Rhode Island some time after the breaking out of the late rebellion of the Indians.

X. NINIGRETT *alias* NINICRAFT was also a sachem, being old Connonicus's sister's son, and brother to Webotamo. He married one of the great sachem's daughters, and died since the late Indian war, leaving only one daughter to succeed.

By which genealogy above written (epitomized out of long relations of the ancient and most knowing Indians) may be clearly understood whence those chief sachems above mentioned were descended, and how they were related to each other both lineally and collaterally, from whom the right and title of those lands are derived to the English proprietors and confirmed to them by sundry of those chief sachems (in their times), who had the native right thereof, is also by this ensuing narrative more fully demonstrated.

¹ Usually spelled "Miantinomy." — Eds.

And, first, the Narragansett lands called the Northern and Southern Purchases were given and granted to John Winthrop, Esq. and Major Humphrey Atherton and Company, by Cojanaquant, with the free will and consent of the other sachems, confirmed by deeds under hand and seal, bearing date 11 June, 1659, and 4 July, 1659, confirmed also by Scuttop under his hand, dated 5 August, 1659, who then entered into a more strict and firm league of friendship with the English; for all which received satisfaction as by receipt dated 6 July, 1659. Witnesses John Woodmansey and John Viall. The sale or alienation of which lands was afterwards confirmed by Quinapin, the said Cojanaquant's son, the 24th of October, anno 1672.

2. Likewise Scuttop, Cosequance, and Quequacknewett did jointly ratify the said grants under hand and seal, and Quequacknewett gave receipt for £15 0s. 10*d.* in part for the same, and receipt was also given by Cojanaquant, 28 July, 1659, for £20 0s. 0*d.* more.

3. For Point Judith and the Ponds they were given and granted by Tunintokowe by deed under his hand and seal, dated 4 March, 1659.

4. The whole country of Narragansett, &c., besides, were by the chief sachems mortgaged to Major Atherton and his associates, by an instrument under the hands and seals of Cosequance, Scuttop, Ninigrett, and Quequacknewett, bearing date 13 October, 1660, for certain sums of money by them taken up; and afterwards Scuttop, Chief Sachem, in behalf of himself and the other sachems concerned, did give full and peaceable possession of all and singular those lands, with all their rights, members, and appurtenances, by turf and twig, at Pettaquamscutt, (a part in the name of the whole,) in the presence of some hundreds of Indians and English, before whom they acknowledged the sale of those lands; and by their act of livery and seisin they did then and there

fully confirm the same, as by the testimonies of John Button, William Cotton, John Rhodes, and Ambrose Leach, sworn before John Endicott, Esq., then Governor, the 22d of September, Anno 1662, doth appear.

5. Likewise Wiskhunck, Sepowampshe, and John, Indian Councillors, did by order and appointment of Scuttop, Chief Sachem, receive of the proprietors twenty pounds more in peague, as by their receipt under their hands and seals, dated 28 November, 1664, in full of all demands for the lands aforesaid.

6. Also Scuttop and Quenemigus, his sister, confirmed the aforesaid grant and possession given of the said lands by the acknowledgment thereof, and farther submission of themselves to, and desire to be under, the government of his Majesty by the English here, as by an instrument under their hands and seals, bearing date 28 December, 1664, appeareth.

7. To which may be added Mattantuck, Queen Sachem, relict of the Great Sachem Mecksa, and mother of Scuttop, her confirmation of the acts of her son and the rest of the said sachems touching the premises; all which acts and deeds all the said sachems respectively were made clearly to understand.

8. There is likewise the confirmation of all and singular the afore-mentioned grants, &c., by all the grand sachems of those countries, done by their delegates in their behalf at the same time when the last treaty of peace was made and concluded with the English at Narragansett, as by the Seventh Article now in print may appear, given under their hands and seals, July 15, 1675; in which treaty, and also upon their after-rising, they never made any complaint or manifested the least discontent with any of the English in or about the purchase of those lands, but freely acquiesced in what was done with us, the proprietors, and confirmed all to the last.

In fine, the grants and purchases of all those lands aforesaid have from time to time been approved and confirmed unto the proprietors thereof, some time by his late Majesty's gracious letters (as hath been showed). Also by the English governments respectively; — by the King's Commissioners, viz. Col. Nicholls, Sr., Robert Carr, &c., as by their instruments under their hands and seals may appear; yea, by the Rhode Islanders themselves, at a General Assembly held at Newport, 30th October, 1672, wherein they acknowledge and confirm the purchases of and grants to Major Atherton and Company or associates, even of all the lands in the Narragansett country, &c., according to their respective deeds for the same; which was occasionally done in that court about some transactions of their own, and not by any application of us, the proprietors, to them. All which is most humbly offered to your Excellency for consideration.

By yours, humbly devoted to your service.¹

Indorsed, "Narragansett Sachems' Genealogy and Proprietors' derivation of their title to those lands, &c. No. 2."

DEED OF THE SASCOE INDIANS.

To all People to whom these presents shall come, These: Whereas we, the subscribers to this instrument of discharge, being properly the inhabitants of the plantation of Indians called Sascoe, and formerly were proprietors of the lands pertaining to Sascoe, which lands we have formerly sold to the town of Fairfeild, and have accord-

¹ This document, which bears no date nor signature, is written in a beautiful and clerkly hand, of the period of the close of the seventeenth century. — Eds.

ing to agreement received satisfaction for it to our content; reserving only that the said town should provide us some lands for our subsistence in some such convenient place as the said town should think meet; and whereas the said town of Fairfeild hath by their Committee presented several parcels of land to answer the said town's engagement to us for our maintenance as a tract of land called the Rocky Neck, lying in Sascoe Feild, on the left hand of the path as you go to the Farms; also a hill of land lying on the west of Maxemus Farms, as it is already bounded out, and hath made it over to us and our successors by a legal deed, with *the addition of five acres elsewhere*. Now know ye that we, the subscribers to this instrument, that we have received from the town of Fairfeild the abovesaid lands in full satisfaction to us; that they are engaged to us in our bill of sale of Sascoe lands in an instrument bearing date the 21 March, 166 $\frac{9}{1}$, in all which parcels of land we are well contented and satisfied; and therefore do for ourselves, heirs, and successors forever acquit, exonerate, and discharge the said town of Fairfeild and their successors from any demands whatever of land within the bounds of Fairfeild as due to us upon any account; acknowledging that what lands they possess that sometimes was ours and our predecessors they have lawfully bought and paid for it; and what lands they were engaged to provide for us they have already done it. We also engage these several parcels of land we have received from them for our improvement and propriety; we do engage ourselves and our successors that we will not sell it or any part of it from us nor from our successors to any person whatever without the leave of the town of Fairfeild. In witness whereof we have hereunto set to our hands, this 14 day of June, 1680.

It is to be noted that, when the above-said Indians shall improve the hill of land by Maxemus Farmes, we will

make and maintain a sufficient fence about our field to preserve our corn from damage.

NAUWASSECUMB, his  mark.

SASCO ((JAMES, his mark.

YEEREENSQ 3 AW, her mark.

COKECRO, X his mark.

NANASKECO, \ his mark.

YEEDOWCO, V his mark.

WAYREENOOTE, ~ his mark.

WEECONG, U his mark.

CHICKINNS,] his mark.

Capt. WEETETEREE, O his mark.

WUNNESESIDE, her C mark.

Witnessed per us, and subscribed
and delivered in our presence.

JOHN MINOR, }
JOHN SHERWOOD, } *Interpreters.*

This instrument is recorded in the 3 book of the Records of Wills and Inventories of the County of Fairfield, at fol. 37, per me,

WILL^M HILL, *Clarke.*

28 September, 1680. Whereas we, Marwoeumopum, *alias* Rororemy, and Wamsunkewy, Sascoe Indians, were not present when the discharge within was signed by the rest of their neighbor Sascoe Indians, this day by interpreters they were informed the reasons of the within acknowledgment; and they do fully consent thereto. In witness whereof they have set to their hands, the date abovesaid.

WAMSUNKEWY,] mark.

MAROOUMPUM, }
alias ROREMY, } \ his mark.

Signed in the presence of us,

INTERPRETER,

JAMES BOOR.

DANIEL SILLIMAN.

Indorsed, "An original of the purchase of Sasqua Indians."

PROPRIETORS ADMITTED OF NARRAGANSETT LANDS, BY
HUMPHREY ATHERTON OR HIS ASSIGNS.

The Names of the Chief Proprietors of the Lands of the Narragansett, Niantick, and Cowesett Countries, chosen and admitted by Major Humphry Atherton, deceased, or his assigns, viz.:—

JN ^o WINTHROP,	} Esqs.	INCREASE ATHERTON.
SIMON BRADSTREET,		MAJOR WINTHROP.
DAN ^{LL} DENISON,		WAITE WINTHROP.
JOSIAH WINSLOW,		THOMAS DEAN.
THOMAS WILLETT,		ELISHA HUTCHINSON.
JN ^o BROWN,		W ^m TAILER.
THOMAS CHIFFINCH.		RIC ^d WHARTON.
RIC ^d SMITH, Sen ^r .		JN ^o SAFFIN.
RIC ^d SMITH, Jun ^r .		JAMES SMITH.
EDW: HUTCHINSON.		FRANCIS BRENLEY.
W ^m HUDSON.		THO: STANTON, Sen ^r .
AMOS RICHARDSON.		THO: STANTON, Jun ^r .
SIMON LYNDE.		JN ^o SCOTT.
RIC ^d LORD.		

Twenty-seven in all.

This a true copy of the names of the proprietors given to my Lord Culpeper, when here in N. E.¹

Indorsed, "Copia of the names of the proprietors given my Lord Culpeper, Ano. 1681."

¹ Lord Culpepper, Governor of Virginia, came over to that Colony in April, 1680, but returned to England the same year by the way of Boston. The proprietors of the Narragansett Company had this year petitioned the King, setting forth their grievances against Rhode Island, and praying to be set off from that government or to be made a separate government of themselves; and through John Saffin, a member of the Company, the interest of Lord Culpepper was gained in their favor. The number of proprietors was now increased; and Lord Culpepper, who soon afterward returned to Virginia, had acquired one sixteenth interest in all the lands of the Company, and he petitioned the Crown in their behalf. In 1683 a commission was issued to Edward Cranfield, Governor of New Hampshire, and eight others, to examine and report on the King's Province. Their decision, both as to soil and jurisdiction, was adverse to Rhode Island. But Rhode Island would not yield. Soon afterward the government of this Colony fell, and Andros

RICHARD WHARTON TO WAITE WINTHROP.

These to Capt. Waite Winthrop, or in his absence for Major John Winthrop, at New London. — To be left with Mr. Smith, who is desired carefully and speedily to convey it.

BOSTON, July 16, 1683.

DEAR BROTHER WINTHROP, — At Piscataway the Narraganset Commission came to my hands,¹ and was presented to Governor Cranfield, who intends to-morrow to be here, and on Wednesday to consult the other Commissioners, and to appoint time and place of session, and to send forth significations to the Colonies and persons concerned, and to consider upon methods for the Court's proceedings. The Major's presence is (by all here that are concerned in that affair) thought absolutely needful to fix and prepare some fickle spirits, who otherwise, it's feared, may be influenced to our prejudice. There will, it's probable, be some motions to Roud Island, which can be of no good effect; but the Major's company may prevent, therefore if possible bring him with you.

All yours and mine, blessed be God, are in good health. Brother C.² still languishes: things there in the same posture as you left them. The swordman is now at Salem upon his last errand, resolving now either to effect his business or bid a perpetual adieu.

was installed as Governor of New England. He was appealed to, to lend a hand in settlement of this prolonged controversy, and in the year 1687 an agreement was effected. But questions of jurisdiction continued occasionally to arise between Connecticut and Rhode Island, in which the territory of the Atherton or Narragansett Company formed the subject, and it is difficult to say when peace was really established. See Arnold's History of Rhode Island, I. 464, 466, 469, 474, 479, 507, 530, 534. — EDS.

¹ See this paper, dated April 17, 1683, and the Commissioners' Report, in 1 Mass. Hist. Soc. Coll., I. 232-244. — EDS.

² "Brother C." is probably John Curwen of Salem, who had married Margaret Winthrop, the sister of Richard Wharton's wife, and who had really died four days before the date of this letter. — EDS.

My business in the Province of Maine succeeded to my expectation. I hope to patch up matters to look like a whole piece.¹ Mr. Brinley is the bearer of this to Narrogansett, and will thence send it forward by an Indian. No news since you went. My sister expects you at home this week; therefore, and because of the uncertainty of the conveyance, writes not. I intended to write largely to the Major; but Mr. Brinley is mounting, so must beg excuse, and desire him to read this as directed to himself, and not to fail his friends and his own interest. Pray communicate the copy of the Commission which accompanies this to Major Palms, to whom I shall give seasonable notice of the resolves and appointments that may be made here. Dear sir, I am your affectionate brother and servant,

R^d WHARTON.²

Indorsed, "Mr. Richard Wharton. July 16, 1683. The Narrogansett Commission enclosed."

¹ On the 4th of July, 1683, twelve days before the date of this letter, Richard Wharton purchased a large tract of land at Pejepscot, in the Province of Maine, which after his death formed the basis of the well-known "Pejepscot Company." See Wheeler's "History of Brunswick," &c., pp. 11-21. — EDS.

² From the references to political affairs and to certain business transactions in this letter, we should infer that the writer was the Richard Wharton who was, a few years later, one of Andros's Council, and of whom Savage has a long notice in his Genealogical Dictionary, where he gives the names of two wives and their children; while several official documents among these papers, bearing the same signature, tend to confirm this opinion. But at the beginning of the letter, which is inscribed to Waite Winthrop, or in his absence to his brother Fitzjohn, we read "Dear Brother Winthrop." Now Mr. Savage finds another Richard Wharton at Boston, a contemporary and apparently a younger man, who, he says, married Martha, the daughter of John Winthrop, the Governor of Connecticut, and the sister of the brothers to whom this letter is addressed; and he gives the particulars of the births of their several children. We have not space for a long genealogical note, but we are now convinced, from investigation, that Mr. Savage's two Richard Whartons should be rolled into one, and that this one had three wives, the last of whom was Martha Winthrop. It may be added, that the William Wharton on the following page is probably a son by Richard Wharton's first wife. See Winthrop Papers, Part IV. p. 464. — EDS.

WILLIAM WHARTON TO FITZJOHN WINTHROP.

To Fitzjohn Winthrop and [torn], Esqrs., at New London. — To be left at Mr. Amos Richardson's, at Stonington, for speedy conveyance.

BOSTON, 23d of July, 1683.

GENTLEMEN, — I am, by order of Governor Cranfeild and the rest of the Commissioners here, to acquaint you that your names are inserted in the Narragansett Commission, and that in pursuance of the same they have concluded to convene at Mr. Smith's, in the Narragansett country, on Wednesday, the 22d of August next, as you will perceive by the printed briefs¹ which accompany this, where they promise themselves the happiness of your Companies and assistance. In the interim have only to salute you with their respects and service, which please also to accept from, gentlemen, your most humble servant,

WILLIAM WHARTON.

Indorsed, "Mr. Will. Wharton, July 23d, 1683, with the Commissioners' certification of their meeting at Mr. Smithe's."

SECRETARY ALLYN CONCERNING THE CLAIM OF THE
HEIRS OF THE DUKE OF HAMILTON.

These for the honored Capt. Waite Winthrop and Mr. Richard Wharton, in Boston this dd. — To be communicated to those concerned in the propriety of the Narrogancett.

HARTFORD, December 13, 1683.

GENTLEMEN, — By letters from Mr. Randall, Mr. Wharton, and Mr. Saffen, we are informed of a claim made by Duke Hamilton and his Duchess, and the Earl of Aran,

¹ The "printed briefs" are copies of a broadside sheet issued as a summons to the meeting. A copy is among these papers, and it is printed in 1 Mass. Hist. Soc. Coll., V. 232, 233. — Eds.

to sixty mile square of land from Conecticut River by virtue of a grant from the Plimouth Company, which bears date the 20th of April, 1635, which tract of land, we suppose, takes in some of the Massachusetts and Plimouth grants and Rohd Island, besides great part of ours, which formerly was granted by the Earl of Warwick to the Lord Say and other noblemen and gentlemen, March 19, 1631, as you will find, by the copy of the grant in the hands of Captain Winthrop, which was purchased of Mr. Fenwick by this Colony, December 5, 1644, and remained in the possession of this Colony ever since. We are ready to conclude that amongst Gov. Winthrop's papers may be found some writings that may be useful in this matter, as a commission to him from the lords to take possession (in their behalf) of their grant, and to erect some fort or forts upon it, &c., as our said honored Governor hath informed some of us ; and also, when his present Majesty renewed our Charter, our said honored Governor did make use of our purchases and conquests to be the grounds of his Majesty's confirmation of those lands included in our Charter to this Colony. We suppose there may be amongst the Governor's papers some writings that may give light in this case. Therefore, we request that care may be taken to view our Governor's papers, that what may be of use may be laid ready to be improved. You may also take notice that, according to his Majesty's appointment, we attended his Majesty's honorable Commissioners at Narrogancett, and made answer to those claims presented to the Narrogancett country, and asserted our claims according to our Charter grant, and had the promise of the honorable Commissioners, upon their adjournment to Boston, that if other claims should come or disputes arise we should have time to give our answer before them. We did also desire and appoint our honored friend, Capt. Wayte Winthrop, to appear in our behalf, and to answer for us ; but by reason of Mr. Ran-

dolph coming over, and his short stay in these parts, neither we nor our agent had opportunity to appear before the said honorable Commissioners to make our answer to those claims made by Mr. Edward Randolph, his Grace Duke Hamilton's attorney; and therefore we desire, if it may be, that we may have opportunity yet to do it before the honorable Commissioners before they make return to his Majesty; and for that end we have enclosed a letter to the honorable Governor Cranfield, which you, if you see cause, may peruse and seal and send to him to desire a farther hearing, if it be not too late. And in case it may be granted, we do hereby empower Captain Wajte Winthrop and Mr. Rich^d Wharton in our behalfs to make farther plea against Duke Hamilton and the Earl of Aran's claim, and to defend our own right, fearing the season may forbid our travel from hence; but if that cannot be obtained, we have enclosed some general pleas, which we request that together with your own pleas may be presented to his Majesty by such suitable person as you shall improve, and that a farther hearing may be obtained, (if his Grace insists upon his claims,) that so our pleas may be heard by the honorable Commissioners or some other appointed by his Majesty in New England; for we have met with such losses that it will be very difficult for us to manage our affairs in England, and answer the charge thereof. Gentlemen, we shall not farther trouble you at this time; but, with presentation of our respects to you, we rest your affectionate friends, the Governor and Council of his Majesty's Colony of Conecticut. Per their order signed

JOHN ALLYN, *Secretary*.¹

Indorsed, "From Governor and Council of Connecticut. December 13, 1683."

¹ This letter was authorized by the General Court, sitting at Hartford, November 14, 1683. In App. liv. to Vol. III. of the Colonial Records of Con-

TESTIMONY OF CAPTAIN OLMSTEAD AND SERGEANT
TIBBALLS ABOUT THE PEQUOTS.

THE testimony of the said Thomas Tibball of Milford, Sen., aged seventy or thereabouts, testifieth that he being a soldier in the Pequit war, being in pursuit of the Pequits, which Capt. Omsteed and many other soldiers they pursued them as far as Sasqua; and finding the Pequits and Sascoe Indians together, there was many shots passed between those Indians and the English against them, whereby several of the English were wounded, and afterwards they went into the Pequit Swamp, so called; and after a parley between the English and them there was about eight or nine score came forth and surrendered themselves to the mercy of the English. And those Indians that came forth out of the swamp we took them and brought them away captives, and further saith not.

Capt. Richard Omsteed, of Norwark, aged seventy-six years of age, or thereabouts, being at the same fight, testifieth as is above written.

Sworn in court, Sept. 20, 1683, as attest

SAM^{LL} EELS, *Clerke.*

Indorsed, "Capt. Olmsteed and Sargt. Tibballs, their testimony of the conquest of the Indians."

necticut is an abstract of the documents relating to the Duke of Hamilton's claim, now revived by Edward Randolph as attorney for the heirs, William and Ann, Duke and Duchess of Hamilton, and their son James, Earl of Arran. We print herewith a full statement of the claims of the heirs. The several documents referred to in this letter as being in the possession of the Winthrop family are all printed in the Appendix to Trumbull's History of Connecticut, where will be found an answer to the Duchess of Hamilton's claim. — Eds.

TESTIMONY OF NETORAH CONCERNING PEQUOT CAPTIVES.

UPON the examination of the Indian Netorah in the Court, he owned that the Pequit Indians came to them as they fled before the English, and that the Sasqua and the Paquamuck Indians went into the swamp along with them; and the English offering of them quarter, they came out of the swamp and resigned themselves and their deer-skins and wampum to them. Also says that he knew neither the mother nor grandmother of this Prask that was wife to John Wompas. All which the aforesaid Netorah testifies, as appears by these two interpreters then present, and subscribing thereto this 21st of September, 1683.

JOHN MINOR, }
JOHN SHERWOOD, } *Interpreters.*

Taken upon oath before the Court, this 17th June, 1684, as attests

JONAT. PITMAN, *Clerke.*

Indorsed, "Etoro's test, that Sasqua and Paquanock Indians were conquered. that he knew neither the mother or grandmother of Prask."

TESTIMONY OF JOHN HIGGINSON, SEN., CONCERNING
INDIAN LANDS.

A Testimony of Mr. Higison, late Pastor of the Church at Gilford.

BEING desired to express what I remembered concerning the transactions between the English at Corneticut and the Indians along the coast from Quilipoke to the Manatoes about the land, the substance of what I can say is briefly this:—

That in the beginning of the year 1638, the last week of March, Mr. Hopkins and Mr. Goodwin, being employed

to treat with the Indians and to make sure of that whole tract of land, in order to prevent the Dutch and to accommodate the English who might after come to inhabit there, I was sent with them as an interpreter for want of a better; we, having with us an Indian for a guide, acquainted the Indians as we passed with our purpose, and went as far as about Norwalke before we stopped. Coming thither, on the first day we gave notice to the sachem and the Indians to meet there on the second day, that we may treat with them all together about the business. Accordingly on the second day there was a full meeting, and as themselves said, of all the sachems, old men, and captains from about Milford to Hutsons River. After they had understood the cause of the coming, and had consulted with us and amongst themselves, and that in as solemn a manner as Indians use to do in such cases, they did with an unanimous consent express their desire of the English friendship, their willingness the English should come to dwell amongst them, and professed that they did give and surrender up all their lands to the English sachems at Corneticut, and hereupon presented us with two parcels of wampum, — the lesser they would give us for our message, the greater they would send as a present to the sachems at Corneticott. It being not long after the English conquest, and the fear of the English being then upon them, it being moved amongst them which of them would go up with us to signify this agreement, and to present their wampum to the sachems at Corneticut, at last Wanwham and Wonwequack offered themselves, and were much applauded by the rest for it. Accordingly these two Indians went up with us to Hartford. Not long after there was a committee in Mr. Hooker's barn, the meeting-house then not builded, where they two did appear and presented their wampum; but old Mr. Pinchin, one of the magistrates there then, taking him to be the interpreter then, I remember I went out and

attended the business no further; so that what was further done, or what writings there were about the business, I cannot now say; but I suppose, if search be made, something of the business may be found in the record of the Court. And I suppose, if Mr. Goodwin be inquired of, he can say the same for substance as I do, and William Cornwill, of Seabrook, who was there. Mr. Nicholas Knell testifies to the same with Mr. Higginson as respecting the Indians giving the land to the English, and remembers the payment of money to the Indians as gratuity for their gift, — twenty coats, besides hoes and hatchets.

NICHOLAS KNELL. JOHN HIGGINSON.

Recorded per me, JOSEPH HAWLY, *Recorder*.

The abovesaid is exactly copied from the records, per
JOSEPH CURTIS, *Recorder*.

September 12, 1683.

Being requested to give in the former testimony upon oath, I do now own it, and do well remember all the passages contained within this writing, except the particulars of the twenty coats, and witnessed by N. Knell, though in the general I well remember the magistrates would not take the land merely upon free gift, but would and did give the Indians a considerable gift for it, where-with, as I understand, they were fully satisfied.

JOHN HIGGINSON.

Mr. John Higginson, Sen., made oath to the truth of the above-written, this 14th day of March, 1683 $\frac{3}{4}$. Before me,
BARTH^o GEDNEY, *Assistant*.¹

Indorsed, "Mr. Higginson's test to the record of his account of the surrender of the Indians' land to the English."

¹ The testimonials of Higginson and Gedney, written on the back of the principal paper, are in their respective handwritings. — Eds.

INDIAN TESTIMONY CONCERNING PEQUOT LANDS.

THE testimonies of several Indians hereunto subscribing is as followeth:—

The Indians testify, by name, Quontoson, aged seventy years or thereabouts; Tussawacombe, aged sixty years of age; Winnepoge, aged sixty years of age; Craucreeco, aged sixty-two years of age; Hetora, aged fifty-seven years of age; Nonopoge, aged fifty-eight years of age; That in the Pequit war, when the Pequits fled and the English pursued them, they coming this way being many in number and they but few, Sasqua and Poquonock Indians fled into the swamp Munnacommock with the Pequits, now called the Pequit Swamp, in Fairfeild bounds, and did there join with the Pequits, and fight against the English. Whilst in the swamp, Mr. Thomas Stanton being with the English made a speech, and told the Sasqua and Poquonock Indians that the Pequits were the English great enemies, and that, if they, the Sasqua and Poquonock Indians, would come forth and peaceably surrender themselves to the English mercy, they should have their lives. Whereupon they came forth and surrendered themselves, with wampum, skins, and their land. Then the English told them that they should have sufficient lands for themselves and theirs to live upon. Four of whom were personally in the swamp, and the other two, Winnepoge and Nonopoge, were not.

QUONTOSON, — his mark.

TUSSAWACOMBE, — his mark.

WINNEPOGE, — his mark.

CRAUCREECO, — his mark.

HETORA, — his mark.

NONOPOGE, — his mark.¹

¹ This and the next following paper are, without doubt, the originals of the depositions taken, and of the Indian signatures or marks made; but the marks are simply scratches; and though the deponents in each paper

May the 5th, 1684, Joshua Knap, aged forty-eight years, interpreter, and John Shirwood, aged twenty-eight years, another interpreter, did jointly and severally affirm upon their corporal oaths that these above-said Indians truly declared what is above written, as that they did testify to the truth thereof, and signed it in their presence.

Before me,

ROBERT TREAT, *Governor*.

Indorsed, "The Indians' testimonies that Sasqua Indians fought against the English, and after surrendered themselves and their lands to the English."

INDIANS' TESTIMONY CONCERNING TITLE TO SASQUA LANDS.

THE testimony of the several Indians hereunto subscribing is as followeth:—

The Indians testify that Romonock, being a great warrior and often fighting with strange Indians, got many wives, one of which died at Mawhegemuck, called Albeny, and having then a child about five years of age called Prask, was fetched from thence by Romonock, and brought into these parts. But the squaw or mother of the child they know not from whence she was, neither do they know where the said child that was called Prask was born, affirming that she was not of Sasqua. And further they do testify that, according to their custom, the title of lands goes by the man and not by the woman. Also further testify that Romonock was a stranger, and came here as a captain, not belonging to any of these seaside parts, whose land lies near three days' journey from the

are the same persons, the marks of any one individual have no resemblance to each other. No purpose is therefore gained in attempting to imitate them. — Eds.

seaside, at a place called Pawchequage, near to Hutson River.

QUONTOSON, — his mark.

TUSSAWACOMBE, — his mark.

WINNEPOGE, — his mark.

CEAUCREECO, — his mark.

HETORA, — his mark.

NONOPOGE, — his mark.

May the 5th, 1684, Joshua Knap, aged forty-eight years, and John Sherwood, aged about twenty-eight years, Indian interpreters, did jointly and severally affirm upon their corporal oaths that the Indian tests above written and signed by them in their presence is understood by them and truly interpreted as above mentioned in this their above-said testimonies, and note the words called Prask, interlined, was before signing 6th and 7th lines.

Sworn before me,

ROBERT TREAT, *Governor.*

Indorsed, "The Indians' tests that Romonock was no native at Fairfield ; that his daughter Prask was no native there, but a stranger ; that right of lands is in the male line by their custom."

JOHN BLAKE AND EDWARD PRATT'S LETTER OF ATTORNEY
RELATING TO THE ESTATE OF JOHN WHITE, ALIAS
WAMPERS, MARINER.

To all people to whom these presents shall come :—
John Blake, of Wrentham in the Colony of the Massachusetts in New England, husbandman, and Edward Pratt, sometime of St. Paul's, Shadwell, in the County of Middlesex, within the realm of England, victualler, and now of Mendham within the aforesaid Colony, executors of the last will and testament of John White, alias Wampers,¹

¹ John White, *alias* Wampers or Wampus, had married Praske, called by the English Ann, a daughter of Romanock, an Indian chief, the alleged

late of Boston in New England aforesaid, mariner, deceased, send greeting: Know ye that the said John Blake, Edward Pratt, executors as above said, for divers good causes and considerations them thereunto at this present especially moving, have assigned, ordained, and made, authorized, constituted, and appointed, and in their stead and place by these presents do assign, ordain, make, authorize, constitute, and appoint their trusty and well-beloved friends, John Comer, John Pittom, John Jackson, George Dauson,* Joshua Hewes, William Harrison, and William Mumford, of Boston aforesaid, Richard Thayre of Brantry aforesaid, John Smith and Robert Taft of Mount Hope in New England aforesaid, to be their true, sufficient, and lawful attorneys, giving and by these presents granting unto their said attorneys, jointly and severally, full power and lawful authority for them, constituents, and in their names, (but to and for the only proper use and behoof of the said Edward Pratt, John Comer, John Pittome, John Jackson, George Dauson, Joshua Hewes, William Harrison, William Mumford, Richard Thayre, John Smith, Robert Taft, their heirs and assigns,) to enter into and take possession of and enjoy all and singular such lands, tenements, plantations, grounds, steadings, pastures, and hereditaments whatsoever, by what name or names soever the same be called, in whose tenure, occupation, or possession the same or any part thereof is now or late was in, and in what place or places whatsoever in the country of New England or elsewhere the same or any part thereof is situate lying. And all

owner of lands in Fairfield, Connecticut; and to these lands he had some years before his death made claim. Being in England, he petitioned the King for redress, and an order in his behalf was issued from Whitehall, in March, 1679, which may be seen in Vol. III. of the Colonial Records of Connecticut, App. No. XXII. The several depositions relating to the Sasqua Indians and Wampers's wife and father-in-law, printed in this volume, show the interest which this claim excited in the Colony. It will be seen that, in the suit which followed, the executors of Wampers lost their case. — EDS.

profits, privileges, commodities, and appurtenances whatsoever to the same or any part thereof belonging or in any wise appertaining, according as the same was given and bequeathed to the said Blake and Pratt by the said last will and testament of said White, alias Wampers, bearing date the fifth day of September, Anno Dni 1679, reference whereunto being had more plainly appeareth. And all and every person and persons whatsoever that does unlawfully occupy, possess, and enjoy the above-mentioned premises, or any part thereof, to expel, evict, and eject. Also the same lands, plantations, hereditaments, and appurtenances, or any part thereof, to manage, improve, grant, bargain, sell, let, set, and lease for life or lives, estates of inheritance or otherwise, and for such sum and sums of money as by them shall be thought fit and requisite to the utmost profit and best advantage of the said Pratt and fore-mentioned persons; and deeds, instruments, and conveyances for the same to make, seal, and deliver as the matter shall require, and likewise for and in the name of the said constituents (but to and for the uses of the above-mentioned persons) to ask, demand, sue for, levy, require, recover, and receive of and from all and every person and persons whatsoever all and every such debt and debts, sum and sums of money, rents, arrearages and remainders of rents or estate whatsoever, which is, are, or hereafter shall be due, owing, belonging, or appertaining unto them, the said constituents, from or by virtue of the above-mentioned premises; and upon nonpayment and delivery the said debtors, or others withholding or detaining the same, to sue, arrest, attach, implead, imprison, and condemn his and their bodies, lands, tenements, goods, and chattels in execution to take, and out of execution to deliver, and to compound, compromise, conclude, refer to arbitrament, reckon, account, adjust, and balance any accounts with the said debtors or others, and with them to agree, as the matter shall

require, and, upon satisfaction, composition, receipts, and recoveries, to give acquittances or other sufficient discharges in due form of law, and if need be to appear before any lords, governors, judges, justices, or magistrates in any courts of judicature, and there to answer, defend, and reply in all actions, matters, and things relating to the premises, and to appeal from court to court as need shall require, and generally in and concerning the premises to use all lawful ways and means whatsoever for the recovery thereof, either by suit of law or otherwise, as fully and amply as the said constituents themselves might or could do if they were personally present, with ample power to substitute one or more attorneys under them with like or limited power, and the same again to revoke, ratifying, allowing, and holding firm and valid all and whatsoever their said attorneys, jointly or severally, shall lawfully do or cause to be done in and about the premises by virtue of these presents.

In witness whereof the said John Blake and Edward Pratt have hereunto set their hands and seals the fifth day of March, Anno Dom. one thousand six hundred eighty and three, 168 $\frac{3}{4}$ annoq. Regni Caroli Secundi nunc Angliæ, &c., XXXVI.

JOHN BLAKE.

EDWARD PRATT.

Signed, sealed, and delivered in the presence of us by Edward Pratt on the day of the date.

SIMEON MESSINGER.

JEREMIAH BUMSTEED.

Mr. John Blake, personally appearing, acknowledged this instrument to be his act and deed before

Mar. 12, 168 $\frac{3}{4}$.

JOSEPH DUDLEY, *Assist.*

Signed by John Blake in presence of

EDWARD PELHAM.

SAMUEL SHRIMPTON.

Edward Pratt, personally appearing, acknowledged the letter of attorney above to be his act and deed, before me.

May 9th, 1684.

JOHN RICHARDS, *Assist.*

The above written is a true copy of the original upon file left in court at Fairefield, June 16th, 1684. As attest,

JONAS PITMAN, *Clerk.*

Indorsed, "Copy of John Blake and Edward Pratt's Letter of Attorney."

TO THE HONORED GOVERNOR AND WORSIIIPFUL ASSISTANTS AND GENTLEMEN OF THE JURY IN COURT AT FAIRFEILD.

The Answer and Defence of Peter Clappham and Isaac Frost to the Action commenced against them by the Attorney or Attorneys of John Comer, George Dauson, Edward Peat, John Blake, for refusing to deliver the possession of a certain parcel or tract of Land, &c.: whereby they already, they the Plaintiffs, are damnified above five thousand pounds.

THE tenants and defendants do answer that the lands sued for or upon are lawfully held by these defendants. and unlawfully claimed by the plaintiffs and demandants. The defendants have now held no land but what they have either by immediate grants from the town, or such persons to whom the town or owners from the town of Fairfeild had granted it, as is proved by the attested copies under the Recorder's, a magistrate's and selectman's hand, which we herewith present to the Court.

See the attested
copies of the
Records.

Also, by the established law of this Colony, under title, Record, fol. 61, 62, grants from towns and others are

appointed to be recorded, which being done the said law expressly saith, "And every copy of the same under the hands of the said Register or town clerk and one of the townsmen and one of the Assistants or Commissioners shall be a sufficient and legal evidence to all and every person or persons that shall have the same, to all intents, ends, and purposes for the holding of the same firm to him, his heirs, and assigns forever," the benefit of which law the defendants desire; and that alone is enough to prove that the defendants ought not to have been sued by the plaintiffs in this action.

Also the defendants allege that the town of Fairfield had good right to grant the said land to them and their granters, as appears by a purchase from the Indians, the 20th of March, 166⁰₁, and another deed dated October 6th, 1680, and the Indians' discharge, dated 14th of June, 1680, with sundry other evidences.

The said town's right is further good by grants from the honored General Court, as on the 11th of October, 1666, wherein also mention is made of a former grant. The said grant from the General Court to the town, and from the town to particular persons, is moreover by law under title, Lands, the Tenor of our Lands, fol. 38, established to be held after the most free tenor of East Greenwich according to our Charter.

Also the title of the Colony, and consequently the town of Fairfield and the defendants, is put beyond all question by the conquest of the English of the natives of these parts, which is proved by the testimonies, Tho: Bull, Tho: Spenser, Capt: Olmsted, and Sarj: Tibballs, who fought with the natives; the Indians' confession by interpreters before Governor Treat; Netora, his confession before interpreters; Sachem Uncas, his test; Mr. Tho: Stanton's recorded letter; the General Court's order, dated June 11th, 1640, that the tribute should be paid by the Indians of these parts. Yet further by the

Indians' own submitting themselves and lands, as by Mr. Knell and the Reverend Mr. Higginson's recorded testimony appears, which is since sworn unto by the said Mr. Higginson.

Knell and
Higginson's
test.

So that the defendants' title stands under the benign aspect,— 1st, of his Majesty's gracious Charter; 2dly, the General Court's grant; 3dly, the town's grant; 4thly, part of it from persons' grants derived from the town; 5thly, conquest; 6thly, submission of the Indians; 7thly, purchase and payment of any possible right remaining in the Indians, wherein the English greatly condescended to them, to take away all pretence of right in the natives.

Copy of the
Charter grant-
ing the lands.

Further, these defendants pray this Honored Court to consider that our Charter makes the conquest a principal motive of his Majesty's gracious grant, and thereupon among other reasons in the said Charter makes these defendants "persons able and capable in the law to plead and defend all suits," &c., as other of his liege people of the realm of England; and also saith "shall have and enjoy all liberty and immunities of free and natural subjects within any his Majesty's dominions," which these defendants pray the Court to admit; one of which liberties is expressed in the statute made in the twenty-first year of King James of blessed memory, whereby it is enacted, "that no person or persons shall at any time hereafter make entry into any manors, lands, tenements, or hereditaments, but within twenty years next after his or their right or title, which shall hereafter first descend or accrue to the same; and in default thereof such persons so not entering, and their heirs, shall be utterly excluded and disabled from such entry after to be made," &c.

Copy of the
Charter.

See the statute
21 Jac. 16.
See Hull and
Banks's tests,
with the date
of Fairfield
deeds, and date
of General
Court grants.
Date of the
conquest in
Capt. Bull's
test, &c.

The plaintiffs sue as heirs by will to Wampus, who claims from Romonock; therefore, the plaintiffs and Wampus as heirs to Romonock are excluded, unless Romonock's title accrued within twenty years last past. But

See Hull's test,
Banks's tests,
and dates
above men-
tioned.
Barnhaman
and Cromp-
ton's tests.

they cannot prove any such thing: yea, the defendants can prove that they and the town have possessed the land above twenty years last past without any lawful entry of Romanock or Wampus; therefore, the plaintiffs are by the said statute excluded from after-entry.

See the clauses
of the Charter
to these.

If it be objected that these statutes are not here of force, the defendants answer, as before, we have the liberties of natural subjects, may defend as liege people of the realm, therefore are to have benefit of the said statutes. Also the patent saith, "These our letters patents shall be firm, good, and effectual in the law," &c., and "shall be construed, reputed, adjudged most favorable on the behalf and for the best benefit and behoof of the said Governor and Company," &c.

Also by the Charter our laws are under that limitation of being "not contrary to the laws of this realm of England." Since the laws of that realm do acquit the defendants if they had detained Romanock's land, no administration of law here can find us guilty.

32 Hen. VIII.
ch. 16.

If it be further objected, Romanock was not liable to those laws, the defendants answer, — 1st, that as a Captain he was liable; 2dly, if he were not, yet the law is our privilege; 3dly, by the 32d of Hen. VIII. chap. 16, it is said "that every alien and stranger, born out of the King's obeisance, not being denizen, which now or hereafter shall come in or to this realm, or elsewhere within the King's dominions, shall, after the said first day of September next coming, be bounden by and unto the laws and statutes of this realm, and to all and singular the contents of the same."

Law, fol. 38.

Also, the defendants allege that by the established law, fol. 38, under title, Lands not to be purchased by particular Persons of the Indians, it is ordered that buying, hiring, receiving as a gift or mortgage, any lands of Indians, shall not be but to the use of the Colony, or some plantation or village, with the allowance of the General Court.

Which law still makes and reserves all purchases of lands or gifts of lands, &c., to be to the use of the Colony, which declaration of uses is good also by the Charter, which saith that "all such laws, statutes, and ordinances, instructions, impositions, and directions, as shall be so made by the Governor, Deputy Governor, and Assistants as aforesaid, and published in writing under their common seal, shall lawfully and duly be observed, kept, and performed, and put in execution," &c.

See it in the Charter.

Therefore this law and imposition is to be kept, and it is no more than what all corporations almost enjoy. In the city of London, if one foreigner buy of another foreigner, the city hath the goods. In the Turkey, Guiney, East India corporations the trade is restrained to the company, and converts to their use, let who will deal; and without such laws no bodies politic can subsist, but interlopers would ruin all. So that, if it were supposable that these persons had any right from Indians, the law making it to the use of the Colony, and the Colony having passed their right to the town of Fairfeild, and so to the defendants, as to the land in question the plaintiffs are barred by the said law and imposition, which the Charter saith shall be kept.

As the defendants have before proved their title good, in and by the laws, &c., wherein is included much of the insufficiency of the plaintiffs' claim, yet, secondly, the defendants do further defend against the plaintiffs' claim in many other respects.

As, first, Comer, Dauson, Prat, and Blake, by their attorneys are plaintiffs, yet only Prat and Blake are executors; so that Comer and Dauson must be, and we suppose by their deeds will appear to be, buyers of Prat and Blake, which is unlawful by the 9th of 32 Hen. VIII., which is, that none shall buy or covenant to have titles to land unless the seller have a whole year possessed it next before the bargain. See the statute

See Comer and Dauson's deed from Prat and Blake.
See 32 Henry VIII. 9.

This waived pr the defendant.

See the
summons.

at large, with several statutes there cited; as 1 Edw. III. 14; 20 Edw. III. 4; 1 Rich. II. 4; 3 of Edw. I. 25; 33 Edw. I.; 28 Edw. 1st and 11th, made against champerty, embracery, and maintenance. And whether such suits are to be granted as depend on bargains unlawful to be made is before the Court. We plead it void in law, and insufficient to sue upon.

Secondly. In the action, the land in question is expressly said to be "now the proper estate and inheritance of the said Prat and Blake." If the right of inheritance be proper to these two, viz. Prat and Blake, then the right is not common to all the four plaintiffs, and so the very state of the action excludes Comer and Dauson from right to the land. Therefore the jury cannot give to the four, and therefore ought not to find for the plaintiffs, which are four, and sue jointly, and not severally.

See Minor's,
Green's,
Kniffon's tests.

Thirdly. The plaintiffs have proved no right by any evidence or law, which, in brief, we shall make out by scanning their tests. As to the things witnessed by Captain Minor, Kniffon, and Green, it is to be considered that Minor is a single witness, and so is Green in part; but also Minor's saying, if he knew where the case might principally hinge, &c., looks not well in the countenance of a witness. Yet if the matter of their testimonies had twenty witnesses, it amounts in sum but to this: That Romanock owned Prask to be his daughter; that other Indians owned her; that several Indians said she was proprietor to the whole tract of land in and about Sasquage; and how her right came by her mother and grandmother; that he saw her take possession. So Minor. That at another time Romanock cut a stake, drove it into a hole, said, "Mee narrowe," &c.; that he planted on land that one of the defendants now hath; that he cut up a turf, and said, "Mee narrowe," &c. Suppose it be true that such things were said by the Indians and done by Romanock. If such sayings and doings shall enervate

the right of the defendants, settled by deeds according to law, and laws established, the English will have enough of such sayings, and doings too, and no people shall be sure of their rights. Our law gives value to written deeds, records, conquest, twenty years' possession, &c.; but gives no value to such sayings or doings as the plaintiffs would amuse the Court withal.

1st. Therefore, these things were before or after May 1, 1661, which is twenty-three years since. If before that time, the statute 21st of Jacobus, cap. 16, bars their entry, because it is above twenty years since this accruing of their title. But if since May 1, 1661, our law, fol. 62, desolates it from being any conveyance or bargain, as unwritten. 21 Jacobus, 16.
Law, fol. 62.

2dly. We have abundant testimony that proves that Prask had nor mother nor grandmother at Sasqua; therefore what the Indians told Minor was false, and is disproved. See the
Indians' tests
before the
Governor,
Mr. Fitch,
Mr. Griswold,
Fairfield
townsmen,
Beers,
Silliman,
their deeds of
sale.

3dly. That neither Romanock nor she that is Prask were inheritable at Sasqua is proved, first, in that they were conquered captives, and also as no natives of the place. See the tests of
the conquest
quoted before,
and Denison's
and Staple's
tests.

4thly. Not cutting stake, turf, or any other action, by our law, will give either right or entry where others were prepossessed. Let the plaintiffs show any more virtue in those actions than if they had whistled there.

5thly. Nothing is said by the witnesses that those actions were done relatively. He did not say, hereby or herewith I deliver you such or such lands. As it is witnessed, it is but a single delivery of the stake, turf, or hole, and not of more at most.

6thly. No limits or bounds mentioned what, or how far. It may be a delivery of all America, as of all Sasqua.

7thly. No declaration of uses, whether to Wampus only, or him and his wife, or their heirs, or for a time, or forever, or to whom else.

8thly. If bare planting prove propriety, then every tenant, by lease or at will, hath property of inheritance.

9thly. Second-hand testimonies, such as Captain Minor's, were never authentic to prove things known only at the second hand. Though it stand for true that the Indians said so to him, yet it will not, cannot, stand for evidence till they say so before lawful authority. Every one is not an examiner of witnesses, nor was Captain Minor then Commissioner, though twenty-two or twenty-three years after he was.

10thly. If the Indians should say so in Court, yet, when there is so much proved to the contrary, they are not to be believed. Many other things might be noted, as some difference between Green's and Kniffon's test as to the formality. They speak of their unskilfulness in the Indian tongue, whereby they might take one word for another, the long time since, together with the privacy of these actings, when as Captain Minor knew how Fairfeild was concerned. The unreasonableness of the things asserted, as that Prask was sole proprietor, not only to all Sasqua, but to all about Sasqua; whereas nothing is more evident than that Shonamonten and his children were sagamores of Sasqua, and many others natives there. And if that word "about" be carried far enough about, it may take in Captain Minor at Strattford and Woodbury. The offers he had, as he owned to Mrs. Gold and elsewhere. And so the uncertainty of those dumb signs, if they may be called signs, of turf, twig, stake, which are of no certain interpretation. The nonsense of "*Me narrowe*"! If *me*, then it is Latin and Indian; if *mee*, it is English and Indian; but it is nonsense, because there is no case to the verb, nor anything that answereth to the question, What and to whom do you narrowe, or give? if it were certainly that word. And if nonsense can make titles, it is peculiar to these plaintiffs; yet with these wooden daggers do they flourish and brandish them, as if they could

See the
Indians and
English tests,
as Uncas,
Griswold.

win a prize of above 5,000*l.*; for it seems a bare 5,000*l.* will not serve their turn.

Also Wampus his will, and their letter of attorney; the writings, as writings, may possibly be good. But they prove not that Wampus had right to the land in question, and so are as a handsome box with nothing in it, or as empty dishes brought to a table.

We may not omit one considerable plea as to their pretended entry on the land. And that is, that by the statute of 5th of Rich. II. cap. 7, all entry must be given by law. Theirs was not so, therefore void. See the statute. Nor do their witnesses set any time down when those ceremonies were done which they mention. 5 Rich. II. 7.

Also there is James Beers's test, that Romanock himself told his daughter Prask, when she requested him to give her land at Sasqua, that he had no land there. And Romanock told Cornelius Hull that he was present when this land was given solemnly to the English. As for the things testified by Captain Minor, they were at or before September, 1660, as his test proves; and the right accruing or pretended to accrue thereby is outlawed, antiquated, or excluded by the statute 21 Jac. 16. As for the things testified by Green and Kniffon, they set no time, and so they are nullities in law; because by that statute, 21 Jac. 16, and our law, fol. 62, limitations are given, and things are or are not good in law according to the time wherein they were done; therefore the plaintiffs in their count or declaration, or these tests answering neither year nor day when it was, it is not good nor capable to be answered. Beers's test.
Hull's test.
21 Jac. 16.

Fourthly. We defend that what lands we hold and are now in question, we hold them not jointly or in common, but in several, as appears by our respective records, therefore not condemnable on a joint action, whatever either of us severally sued might have been. See Blount on Several Tenancy, citing Brook, fol. 273. Law, fol. 62.
Blount on
Declaration.
Blount, Several
Tenancy.

And this plea and exception we make each for ourselves.

Blount,
Esplees.
See Hull and
Banks's tests.

Fifthly. We defend and answer that the plaintiffs have not proved that either they or their ancestors, at least within twenty years last, have had the full profits of the land in question, called Esplees, and therefore their pleading is not good. Blount on Esplees, citing Ley, &c.

Blount,
Abuttals.

Sixthly. We defend that the plaintiffs have not proved their abuttals, and therefore their pleading is not good. Broke's Reports, 2 part, fol. 164, cited by Blount. For if it were proved (which yet it is not) that Romanock had a right, yet till the extent of that right and his abuttals be ascertained, the law can give nothing; for what the law doth, it doth on certainty and by measure. If it were only proved that a man owes money to another, the law hereupon can give no certain sum.

See the
Summons.

Seventhly. Their action lies "for refusing to deliver possession," &c. We answer, this is not proved that we refused to deliver possession; for they never demanded such a thing before their summons. Now the cause of the action having no being before the action, they allege a false cause, viz. refusal, when there was no such thing; and unless they prove such a refusal, they prove not their action as they have stated it; and as stated, so it is to be tried.

See the
Summons.

Eighthly. They allege that this refusal is "to the damage of the plaintiffs above five thousand pounds." Whether this be not a most immodest falsehood, we desire the Court to judge, when they have compared the assertion with their proofs of such damages, and contrary to law, fol. 19. And we desire the Court to do us the justice of the law as to fine them suitably for it; for by these artifices of making great pretences through the country, upon no sufficient grounds, they have procured and created such jealousies in some, fears in others, and vain confidences in themselves and their abettors, as

Law, fol. 19.

becomes a snare and temptation to many, as if there were really some considerable right vested in them; and Wampus's title cried up, and Romanock's, as if champerty might be disputed with for it. And, as to Cardinall Woolsey's cap, the best men must do their reverence to it; whereas the bottom of all is, that Romanock, the fountain of their claim, was no native, nor had no right of land at Sasqua, as is proved. And the defendants have each for himself as good title as any man or men in this Colony. If conquest, submission, purchase, and payment of, from, and to the native proprietors; if the statute or common law of Old England; if the King's gracious charter; if the laws of this Colony, deeds, records, evidences, be of any force in law, — by all these, we have with a long possession abundantly proved our right to what we possess, and therefore humbly pray that, as his Majesty's liege people and subjects, we may have the benefit of his laws, (that so the like danger as is threatened us may not be feared by other the King's subjects,) and that our costs may be given us.

W^M PITKIN, *Attorney for the Defendants.*¹

JUNE 16th, 1684.

¹ We do not find the plaintiff's brief among these papers. — Eds.

ACTION CONCERNING THE SETTLEMENT OF THE ESTATE
OF JOHN WHITE, *ALIAS* WAMPERS, MARINER.

A SPECIAL Court held at Fairefield, the 16th of June,
1684,

By

ROBERT TREAT, Esq., *Governor.*

WILLIAM JONES, Esq., *Assistant.*

MAJOR JOHN NASH, Esq., *Assistant.*

JONATHAN PITMAN, *Clerke*, sworn in Court.

Jurors.

Capt. JOHN BEARD.

SAMUEL BUCKINGHAM.

LIEUT. ABRAHAM DICKERMAN.

JOKEAMAH GUNN.

ENSIGN SAM^r MUNSON.

SERJEANT THOMAS HAWES.

JOHN ALLEN.

JOHIEL PRESTON.

THOMAS KIMBERLY.

ABEL GUNN.

MR. BENJAMIN FENN.

SERJEANT EBENEZER JOHNSON.

JOSHUAH HOWES,

CHRISTOPHER WEBB, and

JOSEPH HOLMES,

} Attorneys substitutes to John
Comer, George Dauson, &c.,
attorneys, to Edward Pratt
and John Blake, executors
to the last will and testa-
ment of John Wampers, *alias*
White, late of Boston, mari-
ner, deceased,

Plaintiffs, against PETER CLAPHAM and } *Defendants*,
ISAAC FROST,

In an action of the case for refusing to deliver posses-
sion of a certain parcel or tract of land, lying in the
township of Fairefield, in or about a place formerly
called Sashquage, and now in the town and occupation
of the said Clapham and Frost, but formerly the land and
propriety of Romanock, an Indian, and by him aliened
to his son and daughter, John and Ann Wampers, *alias*
White, and now the proper estate and inheritance of the

said Pratt and Blake, as by the last will and testament of the said Wampers and other evidence shall be made to appear, the detainour whereof is to the damage of the plaintiffs above five thousand pounds.

In the action above mentioned the jury finds for the defendants.

Costs of Court.

The Court accepteth of the verdict, and orders judgment to be entered accordingly. The cost allowed by the Court is as follows:—

	£	s.	
(Viz.) the Court and attendance . . .	3	12	
The Clerk	0	10	
New Haven, four jurymen, 9s. p. piece .	1	16	
Derby, two jurymen, 8s. p. piece . . .	0	16	
Milford, five jurymen, 7s. p. piece . .	1	15	
Stratford, one jurymen	0	05	£ s. d.
			8 14 00
To the Marshal		05	00
			8 19 00
Allowed for the defendants' cost of court for	£	s.	d.
two witnesses from Norwalke, two days . .	00	08	00
For two witnesses in town, 6s., and four wit-			
nesses taken in Court, 2s.	00	08	00
To charge in procuring Indian evidence from			
Norwich line and at home	01	10	00
To copies of records from Mr. Hill, 9 papers .	00	10	00
To journey to Hartford for General Court			
orders and copies	01	00	00
To copies from Mr. Eeles at Milford, and			
fetching them	00	08	00
To their own and attorneys' attendance and			
pains	01	00	00
Mr. John Burr, his journey to Norwalke for			
witnesses	00	03	00
			5 7 00

The plaintiffs, Mr. Hughes, &c., being called into the Court, the Governor told them that they being strangers might not so well understand our laws and methods of practice; therefore, if they saw cause to desire an appeal or other lawful [*torn*], they had liberty so to do, provided it were done before the Court did break up.

Extracted out of the Court Records, the 17th of June, 1684.

JONAS PITMAN, *Clerke*.

JOHN STANTON TO FITZJOHN WINTHROP.

To the honored Major John Winthrope, Esqr.

HONORED MAJOR, — After all serviceable respects premised, &c., these are in brief to inform that the bearer hereof, Wonkow, [was] formerly Viceroy to, or rather second in Nenecraft's kingdom, both by his birth and title Chancellor and Privy Counsellor; next unto him was Cornman in great place, but not of great parentage, &c. The said Wonkow testifieth as followeth: That some year[s] since, soon after the war began at Mount Hope, Nenecraft called upon him and Cornman to attend upon him, in order to obtain such speech with yourself by the path-side in the Naragansett country as you were coming out of the Bay, where they made a fire, and stayed by it until you came; the said sachem declaring that he would put an issue to the great controversy about his country, or native right of his land; which deponent testifieth and saith that at that time the said sachem, being greatly obliged to your honored father, in consideration of his former kindness and lenity towards him, and in special in not taking advantage of him for the wrongs and injuries done unto him at Fisher's Island in the time of their war with the Long Islanders,

&c. ; and now he being ancient, told us then that he had chosen Major Wintroppe to be a guardian to his children, they to live where he should appoint them, in manner and form as he should judge meet ; in token whereof the brass gun and the Spanish gun should be given to Major Winthroppe, and to his brother Capt. Wintroppe, and such a girdle ; and gave us special charge to publish to the people. After that it was enacted by himself, at the same time aforesaid, that after his decease he did freely, fully, clearly, and absolutely will and give, grant, and make over all his right of inheritance unto Major Wintroppe, to order and dispose of as he should see cause, declaring that he had sufficient reasons to confide in Major Winthrop's heart that he would not suffer his children to be wronged, but would do more for them then they should be capable of doing for themselves. So much in short : Wonkow himself will speak more large and ample. Tummukwhūs is yet alive, who was appointed to make the fire as aforesaid, and can testify to the substance before expressed : Verbum sapienti satis est. The bee in the month of May hath recourse to all sorts of flowers : so in great haste I humbly subscribe myself your Honor's most candid and affectionate servant, according to the narrow compass of my poor ability.

JOHN STANTON.

STONINGTON, May 12th, 1685.

The bearer complaineth of a generation that knew not Joseph's afflictions, as appears by their ignorance of all the transactions of state affairs, agitated always in private amongst the natives in former days, &c. — Vale !

The bearer affirmeth that no man living is able truly to say that ever this will was altered, or that ever the said sachem gave his children one foot of land.

Indorsed, " Capt. John Stanton, about Ninecraft's discourse. Received May 12th, 1685."

JOHN STANTON TO FITZJOHN WINTHIROP ABOUT
NINICRAFT'S SON.

To the Honored Collonel Winthrop at New London.

HONORED COLLONEL FITS JNO. WINTHIROP,—After most hearty love and serviceable respects premised, hoping these may greet your Honor in good health. I should have paid my duty in giving your Honor a visit and welcome home after your long absence, and being very desirous to speak with you concerning sundry matters; but by an accident I am prevented at this time by lameness, a hurt on one of my legs, &c., but hope to see you speedily. Sir, the more immediate occasion of troubling your patience at this time is per the earnest request of the old Chancellor Wonlow, and the General Major, Samson, and his brethren, &c., who complain of some rash and rigorous proceedings, as acts of hostility committed per the young prince and his company of giddy-headed precipitate young fellows, viz. their coming in the night upon said Samson and his relations, and burnt their bodies with fire, animated per said prince to take his own knife and stab, or cut and gash, and his own pistol to improve as the matter should require, &c.: i. e. thereby signifying that he would justify them in those acts; also the said prince cutting the forehead of Abachuchood,—a very great wound,—they say, done without any just cause, but by the instigation of the prince his mother, she accusing the said Abachuchood of a kind of petty reason, viz. of his calling himself by or after the name of Māmānowunt, the mother alleging to her son that it was in derision or upbraiding of her and him, her son, saying that her near relations deceased were formerly called by that name, &c.; which, although in itself a heinous thing amongst them, as your Honor knows their custom in that respect, yet this other ways circumstanced, because it

was his proper name, and had been called and known by it a long time, and made use of it at that time no otherwise then as a man signs a bill, or in that sense, he being bargaining then with the young prince for a cup of rum, used that expression: I, Māmānowunt, will pay you tomorrow in good wampum, etc. These persons intend not a remonstrance, but rather that your Honor may be furnished with the true state of their disasters of this kind, which, if not timely prevented, they fear will prove fatal; therefore the hopes and desires are that your Honor would instruct, advertise, and counsel said prince so to demean himself towards his people as may conduce to his own and their advantage; and to imitate his predecessors, who, in their youthful days, laid down their knife and hatchet to their counsellors, that is, their power, so as not to commit any illegal act of violence immediately by themselves. The next thing requested is that you would be pleased to order the young prince to deliver a gun of Joseph Stanton's which was given in exchange with the queen for another gun, which gun afterward appeared to be that individual gun which was taken per Wankow from Phyllup's men in the war time, and given in gratuity, per Nenecraft, unto Woncow. This proved and strongly acknowledged by sundry witnesses and trials before the justice at Squomacutt, said Wonkow obtains judgment for his gun, and hath it, so that the other gun ought to be returned to Joseph Stanton, because their exchange is null and void. And all the people say amen, only impute some default to the relict widow for concealing the gun so long, &c.; but your Honor will understand more particularly and at large per the bearers hereof. Sir, as you are the young prince his guardian and overseer, you signify to him that the honor of a prince consisteth in the multitude of his subjects, and that if his men through discontent flee from him, that the last evil [will] be worse then all that ever befell him, and

that he should adhere unto the sages, and learn wisely to court his counsellors, and not slight those who have approved themselves faithful to the crown and dignity of his predecessors; thereby may they unite and strengthen the young men. So, lest I should be prolix and weary your patience, humbly subscribe,

Your Honor's unworthy friend and servant,

JOHN STANTON.¹

Indorsed, "Capt. Stanton about Nenicraft's son."

PEQUOT INDIANS' PETITION.

To the honored Commissioners now assembled at Boston, the humble petition of Obochickwood and Cassinomon in the name and behalf of other Pequots, now dwelling at Namiog, humbly sheweth, —

THAT whereas our sachems and people have done very ill formerly against the English before the Pequott war, for which they have justly suffered and been rightfully conquered by the English, we, your humble petitioners, who had no consent nor hand in shedding the English blood, but by the advice of Wequash fled from our country, being promised by Wequash that the Englysh should not hurt us if we did not join in war against them, do now humbly beseech the commissioners to take us under the subjection of the English, and appoint us some place where we may live peaceably under the government of the English.²

Indorsed by Gov. John Winthrop, "Copy of Pequot Indian petition to the Commissioners."

¹ The writer was probably the son of the well-known Thomas Stanton of Stonington, the Indian interpreter. The father early dedicated the son to the same office. See Savage's Biographical Dictionary. There is no date to the letter; but the reference to Fitzjohn Winthrop's recent return home from a long absence may reasonably point to 1698, he having arrived in Boston 11th December, 1697, after a five years' absence in England. — EDS.

² This brief paper, which bears no date nor signature, is partly in the

JAMES THE SECOND'S COMMISSION CONSTITUTING A
PRESIDENT AND COUNCIL FOR MASSACHUSETTS BAY,
&c., IN NEW ENGLAND.

JAMES THE SECOND, by the grace of God King of England, Scotland, France, and Ireland, Defender of the Faith, &c.

To all to whom these presents shall come, Greeting :
Whereas a writ of scire facias hath been issued out of our High Court of Chancery against the late Governor and Company of the Massachusetts Bay in New England, whereby the government of that Colony and members thereof is now in our hands ; and we being minded to give all protection and encouragement to our good subjects therein, and to provide in the most effectual manner that due and impartial justice may be administered in all cases, civil and criminal, and that all possible care may be taken for the just, quiet, and orderly government of the same : Know ye, therefore, that we, by and with the advice of our Privy Council, have thought fit to erect and constitute, and by these presents for us, our heirs and successors, do erect, constitute, and appoint a President and Council to take care of all that our territory and dominion of New England in America, commonly called and known by the name of our Colony of the Massachusetts Bay, and our Provinces of Newhampshire and Maine, and the Narraganset country, otherwise called the King's Province, with all the islands, rights, and members thereunto appertaining, and to order, rule, and govern the same according to such methods and regulations as are hereinafter specified and declared, until our chief Governor shall arrive within our said Colonies.

handwriting of Gov. John Winthrop; the remainder is in a hand we do not recognize. The Records of the United Colonies throw no light on it. As Gov. Winthrop died in 1676, it is certain that we have not given the paper its true place here. — Eds.

And for the better execution of our royal pleasure in this behalf, we do hereby nominate and appoint our trusty and well-beloved subject, Joseph Dudley, Esq., to be the first President of the said Council, and to continue in the said office until we, our heirs or successors, shall otherwise direct; and we do likewise nominate and appoint our trusty and well-beloved subjects, Simon Bradstreet, Wm. Stoughton, Peter Bulkley, John Pyncheon, Robert Mason, Rich^d Wharton, Wate Winthrop, Nathaniel Saltonstall, Bartho. Godney, Jonathan Tyng, John Usher, Dudley Bradstreet, John Hinkes, Francis Champernoon, Edward Tyng, John Fitz Winthrop, and Edward Randolph, Esqrs., to be of our Council within our said territory and Colony; and that the said Joseph Dudley and every succeeding President of the said Council shall and may nominate and appoint any one of the members of the said Council for the time being to be his deputy, and to preside in his absence, and that the said President or his deputy and any seven of the said Council shall be a quorum. And our express will and pleasure is that no person shall be admitted to sit or have a vote in the said Council until he hath taken the oath of allegiance and the oath hereafter mentioned for the due and impartial execution of justice and the faithful discharge of the trust in them reposed,¹ which oaths we do hereby authorize and direct the said Simon Bradstreet, Wm. Stoughton, Peter Bulkley, John Pinchon, Robert Mason, Rich^d Wharton, Waite Winthrop, Nathaniel Saltonstall, Barthol. Godney, Jonathan Tyng, John Usher, Dudley Bradstreet, John Hinkes, Fran. Champernoon, Edw^d Tyng, John Fitz Winthrop, and Edward

¹ This Commission, constituting a President and Council for Massachusetts, New Hampshire, Maine, and Narragansett, with Joseph Dudley as the first President, is now for the first time printed. A brief extract from it, ending at this place, was printed in 1 Mass. Hist. Soc. Coll., V. 244, 245, probably included among the papers relating to Narragansett communicated by Francis Brinley in 1798. See Proceedings, I. 122. — Eds.

Randolph, or any three of them, first to administer unto the said Joseph Dudley, the first President; and the said Joseph Dudley having taken the said oaths, we do will, authorize, and require him and the President for the time being to administer the same from time to time to all and every other the members of our said Council; and we do hereby will and require and command our said President and Council, and every of them to whom this our pleasure shall be made known, that all excuses whatsoever set apart they fail not to assemble and meet together at our town of Boston in New England as soon as may be within the space of twenty days at the farthest next after the arrival of this our commission at our said town of Boston, and there to cause our commission or letters-patent to be read before such of them as shall be there assembled, together with the exemplification of the judgment passed in our High Court of Chancery against the said late Governor and Company of the Massachusetts Bay,¹ and having duly first taken the said oaths to proceed to choose, nominate, and appoint such officers and servants as they shall think fit and necessary for our service, and also to appoint such other time and place for their future meetings as they or the major part of them (whereof the President or his Deputy to be one) shall think fit and agree; and our will and pleasure is that our said Council shall from time to time have and use such seal only for the sealing their acts and orders and proceedings as shall be appointed by us, our heirs and successors, for that purpose; and we do by these presents, our heirs and successors, constitute, establish, declare, and appoint

¹ The exemplification of the judgment against the Charter of Massachusetts Bay, brought over with this commission, was published by this Society in 1854, in the fourth series of their Collections, II. 246-278, from a manuscript in the Society's archives, presented by Mr. F. B. Crowninshield in 1846, who bought it from an auction sale of English books in Boston, two years before. — Eds.

our said President and Council and their successors for the time being to be a constant and settled Court of Record for the administration of justice to all our subjects inhabiting within the limits aforesaid, in all cases, as well civil as criminal; and that the President or any seven of the Council for the time being shall have full power and authority to hold plea in all cases from time to time, as well in pleas of the Crown and in all matters relating to the conservation of the peace and punishment of offenders, as in civil suits and actions between party and party, or between us and any of our subjects there, whether the same do concern the realty and relate to any right or freehold and inheritance, and whether the same do concern the personalty and relate to some matter of debt, contract, damage, or other personal injury, and also in all mixed actions which may concern both realty and personalty; and therein, after due and orderly proceeding and deliberate hearing on both sides, to give judgment and to award execution as well in criminal as civil cases as aforesaid, so always that the forms of proceedings in such cases, and the judgments thereupon to be given, be as consonant and agreeable to the laws and statutes of this our realm of England as the present state and condition of our subjects inhabiting within the limits aforesaid and the circumstances of the place will admit. And the President and Council for the time being, and every one of them respectively before they be admitted to their several and respective offices and charges, shall also take this oath following: "You shall swear well and truly to administer justice to all his Majesty's good subjects inhabiting within the Territory and Dominion of New England under this his Majesty's government, and also duly faithfully to discharge and execute the trust in you reposed according to the best of your knowledge. You shall spare no person for favor or affection, nor any person grieve for hatred or ill-will. So help you God!"

And we do further hereby give and grant unto our said President and Council, or to the major part of them, full power and authority to erect, constitute, and establish such and so many county courts, and other inferior courts of judicature and public justice, within our said Colony and Dominion, as they shall think fit and necessary for the hearing and determining of all causes, as well criminal as civil, according to law and equity, and for awarding of execution thereupon with all reasonable and necessary powers, authorities, fees, and privileges belonging unto them.

Nevertheless, it is our will and pleasure, and so we do hereby expressly declare, that it shall and may be lawful from time to time to and for all and every person who shall think him or themselves aggrieved by any sentence, judgment, or decree pronounced, given, or made as aforesaid in, about, or concerning the title of any land or other real estate, or in any personal action or suit above the value of three hundred pounds and not under, to appeal from such judgment, sentence, or decree unto us in our Privy Council; but with and under this caution and limitation, that the appellant shall first enter into and give good security to pay full costs in case no relief shall be obtained upon such appeal. And for the better defence and security of all our loving subjects within our said Territory and Dominion of New England, our further will and pleasure is, and we do hereby authorize, require, and command our said President and Council for the time being, in our name and under the seal by us appointed or to be appointed to be used, to give and issue forth commissions from time to time to such person and persons whom they shall judge best qualified for the regulation and discipline of the militia of our said Territory and Dominion, and for the arraying and mustering the inhabitants thereof, and instructing them how to bear and use their arms, and that care be taken that such good discipline shall be

observed as by the said Council shall be prescribed, and that if any invasions shall at any time be made, or other destruction, detriment, or annoyance made or done by Indians or others upon or unto our good subjects inhabiting within the said Territory and Dominion, we by these presents, for us, our heirs and successors, declare, ordain, and grant that it shall and may be lawful to and for our said subjects, so commissioned by our said Council, from time to time and all times for their special defence and safety, to encounter, expel, repel, and resist by force of arms and all other fitting ways and means whatsoever, all and every such person and persons as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment, or annoyance of any of our said loving subjects or their plantations or estates.

And above all things we do by these presents will, require, and command our said Council to take all possible care for the discountenance of all vice, and encouragement of virtue and good living, that by such example the infidels may be incited and desire to partake of the Christian religion. And for the greater ease and satisfaction of our said loving subjects in matters of religion, we do hereby will, require, and command that liberty of conscience shall be allowed unto all persons, and that such especially as shall be conformable to the rights of the Church of England shall be particularly countenanced and encouraged.

And further, we do by these presents, for us, our heirs and successors, give and grant unto the said Council and their successors, for the time being, full and free liberty, power, and authority to hear and determine in all emergencies relating to the peace and good government of our subjects within the said province; and also to summon and convene any person or persons before them, and punish contempts; and to cause the oath of allegiance to be administered to all and every person and persons who

shall be admitted to any office or preferment. And for supporting the charge of our government of our said Territory and Dominion in New England our will and pleasure is, and we do by these presents authorize and require the said President and Council to continue such taxes and impositions as have been and are now laid and imposed upon the inhabitants thereof, and that they levy and distribute, or cause the same to be levied and distributed, to those ends, in the best and most equal manner they can. Also our will and pleasure is, and we do hereby direct and appoint, that if the said President of our Council shall happen to die, that then from and after the death of the said President, his Deputy shall succeed him in the office of President, and shall and may nominate and choose any one of the said Council to be his deputy to preside in his absence; and the said deputy so succeeding shall continue in the said office of President until our further will and pleasure be known therein. And if any of the members of the said Council shall happen to die, our will and pleasure is, and we do hereby direct and appoint the President of our Council for the time being to elect some other person to be a member of the said Council for that time, and to send over the name of such person so chosen, and the names of two more whom our President shall judge fitly qualified for the said trust that we, our heirs and successors, may nominate and appoint which of the three shall be the member in the place of the member so dying. And lastly, our will and pleasure is, that the said President and Council for the time being do prepare and send unto us such rules and methods of their own proceedings as may best suit with the constitution of our Territory and Dominion aforesaid, and for the better establishing our authority there and the government thereof, that we may alter or approve the same as we shall think fit. In witness whereof we have caused these our letters to be made patent.

Witness ourself at Westminster, the 8th day of October,
in the first year of our reign [1685].

A true copy,

ED. RANDOLPH, *Secretary*.¹

Indorsed, "Copy of the King's Commission for government of his Majesty's Territory and Dominion in New England."

[BY THE PRESIDENT] AND COUNCIL
[OF HIS MAJESTIES TERRITORY AND DOMINION
OF NEW ENGLAND IN AMERICA.

IN [pursuance of] His Majestic's Commands for the REGULATION and SETTLEMENT of GOVERNMENT in the *Narraganset* Countrey, or *Kings-Province*, Wednesday, the Twenty Third of this Instant Moneth of *June*, is appointed for the *Meeting* and *Opening* of a COURT, to be Held by the *President*, *Deputy-President*, or some of the Members of His Majesties *Council*, at Major *Richard Smith's* in the aforesaid *Province*, for the end aforesaid, and for Erecting such other *Courts of Pleas* upon the place as may be Thought needful for the Future. And all Persons Concerned are at *Ten a clock in the Morning* on the *Day* and *Place* afore-appointed to give their Attendance.

*Given at the Council-House at Boston, this 8th
Day of June, Anno Domini 1686. Annoq.
Regni Regis Jacobi Secundi secundo.*

EDWARD RANDOLPH, *Secretary*.

BOSTON

Printed by *Richard Pierce*, Printer to the Honourable His Majesty's *President & Council* in this His Territory and Dominion of NEW-ENGLAND.²

¹ This is Edward Randolph's autograph signature. The paper contained the impression of a seal, described on page 157, *note*, the wax having now almost entirely disappeared. — EDS.

² This is a small broadside sheet, partly torn, the typography of which we have closely imitated here. — EDS.

COMMISSION FOR SETTLING THE AFFAIRS OF THE KING'S
PROVINCE.

*By the President and Council of his Majesty's Territory and Dominion
in America.*

To Joseph Dudley, William Stoughton, John Winthrop, Edward Randolph, and Richard Wharton, John Blackwell, Edward Palmes, and Samuel Seawall, Esqrs., Elisha Hutchinson, Richard Smith, Francis Brinley, and John Saffin, Esqrs., John Fones, Thomas Ward, James Pendleton, Gent.

Know ye, that we, his Majesty's President and Council, by virtue of authority to us given by his Majesty's commission under the Great Seal of England, for government of this his Majesty's said Territory and Dominion, bearing date at Westminster, the eighth day of October, in the first year of his reign, have nominated, appointed, and assigned you, and any five or more of you, whereof the said Joseph Dudley or William Stoughton or John Winthrop to be one, his Majesty's Justices of the Peace and Commissioners within the Narragansett Country, otherwise called the King's Province, to settle and dispose of the affairs of that Province and the people thereof, according to such methods and regulations as are hereafter specified and declared, until we shall otherwise order; and we do hereby will and require you, his Majesty's said Justices and Commissioners, and every of you, that all excuses whatsoever set apart, you fail not to assemble and meet together at Major Richard Smith's, in the Narragansett Country, and hold a Court in his Majesty's name, at or upon Wednesday, the 23d day of this instant June, and then and there to cause his Majesty's said Commission, Letters Patents, or the exemplification or copy thereof, attested by the Secretary of his Majesty's Council here, and this, his Majesty's Commission, for constituting

the [same to] be publicly read; and to appoint such officers and servants, and such [other time] and place for your future meetings as you, or any three or more of you, whereof you, the said Joseph Dudley, or William Stoughton, or John Winthrop to be one, shall think fit and agree on for his Majesty's service; and that you, the said Joseph Dudley, and William Stoughton, John Winthrop, Edward Randolph, or Richard Wharton, or any of you, or any other member of his Majesty's Council, together with any two of the Justices of the Peace hereafter named, and in absence of all and every of the members of his Majesty's Council, you, the said John Blackwell, Edward Palmes, Samuel Seawall, Elisha Hutchinson, Richard Smith, Francis Brinley, and John Saffin, who are by this Commission all assigned to be Justices of the Peace and of the Quorum, or any one of you together with any two others of the Justices of the Peace, viz. John Fones, Thomas Ward, and James Pendleton, shall have power, and are hereby authorized and appointed to be a constant and settled Court of Record for the administration of justice to all his Majesty's subjects inhabiting within the limits of his Majesty's said Province, and all rights and members thereunto appertaining, in all cases, as well civil as criminal. And shall have full power and authority to hold plea in all cases from time to time, as well in pleas of the Crown, and in all matters relating to the conservation of the peace and punishment of offenders, not extending to life or limb, as in all civil suits or actions between party and parties, or between his Majesty and any of his Majesty's subjects, whether the same do concern the personalty, and relate to some matter of deed and contract, damage, and other personal injury; and also in all mixed actions which may concern both realty and personalty; and therein, after due and orderly proceeding and deliberate hearing of both sides, to give judgment and to award execution, not extending to life or limb, as

aforesaid in criminal as in civil cases as aforesaid; so always that the forms of proceedings in such cases, and the judgments thereupon to be given, be as consonant and agreeable to the laws and statutes of his Majesty's realm of England as the present state and condition of his Majesty's subjects inhabiting within the limits aforesaid and circumstances of the place will admit; having always due regard to his Majesty's gracious indulgence for liberty of conscience in matters of religion. And in case any person shall be charged before you with any capital offence or crime against his Majesty's government and authority here, you are to commit him to safe custody, and upon any probable evidence of his guilt and recognizance taken for prosecution, you are to send such person under safe guard and custody, to be delivered up to the order of the President or other of his Majesty's Council at Boston. And you, and every one of you, respectively, before you be admitted to the exercise of the power aforesaid, shall take this oath following: "*You shall swear well and truly to administer justice to all his Majesty's good subjects inhabiting within the Territory and Dominion of New England, under this, his Majesty's government; and also duly and faithfully to discharge and execute the trust in you reposed, according to the best of your knowledge. You shall spare no person for favor or affection, nor any person grieve for hatred or ill will. So help you God.*" Which said oath we do hereby authorize you, the said Joseph Dudley, William Stoughton, John Winthrop, or any other member of his Majesty's Council or justice of the quorum to administer. Nevertheless we, his Majesty's President and Council, do hereby expressly declare, that it shall and may be lawful from time to time, to and for all and every person, who shall think him or themselves aggrieved by any sentence, judgment, or decree pronounced, given, or made as aforesaid, in, about, or concerning the title of any land or other real

estate, or in any personal action or suit above the value of [torn] and not under, to appeal from such judgment, sentence, or decree unto us, his Majesty's said President and Council; but with and under this caution and limitation, that the appellant shall first enter into and give good security to pay full costs in case no relief shall be obtained upon such appeal.

And for the better defence and security of his Majesty's loving subjects within the said Province, we, his Majesty's President and Council aforesaid, do hereby authorize you, or any three or more of you whereof the said Joseph Dudley, W^m Stoughton, or John Winthrop, or some other member of the Council, or in their absence you, John Blackwell, Edward Palmes, Samuel Seawall, Elisha Hutchinson, [or] Richard Smith, to be one, his Majesty's Commissioners for the ordering, regulation, and discipline of the militia of his Majesty's said Province; for the arraying and mustering the inhabitants thereof, and instructing them how to bear and use their arms, and to take care that such good discipline, rules, and orders be observed as by his Majesty's said President and Council shall be prescribed; and, from time to time, to nominate unto us, his Majesty's said President and Council, the names of such persons upon or within the said Province as you shall judge fit to be appointed commanders and other officers of the said militia, and to administer to all such commanders and military officers, and to all justices of the peace, constables, and other officers already appointed and commissioned in all or any the affairs of his Majesty in the said Province, that have not already in due form taken the same, as well the oath of allegiance appointed by law as the oath herein before recited for the faithful and due discharge of their respective offices, trusts, and employments. And above all things we, his Majesty's said President and Council, do by these presents will and require you and every of you, his Majesty's commis-

sioners in the affairs hereby committed to you, to take all possible care for the discountenancing all vice, and encouragement of virtue and good living, that by such example the infidels may be invited and desire to partake of the Christian religion. And we do further hereby give and grant to you, or any three or more of you whereof the said Joseph Dudley, William Stoughton, or John Winthrop, or some member of his Majesty's Council, or in their absence you, the said John Blackwell, Edward Palmes, Elisha Hutchinson, Richard Smith, and Fr: Brinley, or John Saffin to be one, full and free liberty, power, and authority to hear and determine in all emergencies relating to the peace and good government of his Majesty's subjects within the said King's Province; and also to summon and convene any person or persons before you, to punish contempts, and to cause the oath of allegiance to be administered to all and every person and persons who shall be admitted into any office or preferment within the same Province.

In witness whereof we have caused this our commission to be attested and ratified under the seal appointed by his Majesty for confirmation of the public acts and orders and commissions of us, his Majesty's said Council.

Dated at Boston, the 18th day of June, in the second year of his Majesty's reign [1686].

By order of the President and Council,

EDWARD RANDOLPH, *Secretary*.¹

Indorsed, "Commission for settling the affairs in the King's Province."

¹ This paper, as well as that on p. 145, bears the autograph signature of Randolph. It has the remains of a large wax seal, too much obliterated to enable us to decipher the device or the motto which encircled it. The form of the seal was oval, of about two and a half by two inches in diameter. Mr. Arnold, in his *History of Rhode Island*, I. 495, says: "The seal employed by the President and Council represented an Indian with a bow in his left hand and an arrow in his right, and the inscription, 'SIGILLUM PRÆSID. CONCIL. DOM. REG. IN NOV. ANGLIA,' within the border." The proceedings of a court inaugurated under this commission, June 23, 1686, may be seen in 1 Mass. Hist. Soc. Coll., V. 246, 247. — Eds.

COPIES OF INDIAN DEPOSITIONS RELATIVE TO PEQUOT
AND NARRAGANSETT BOUNDS.

THESE questions were given and answers taken from the Pequots and some ancient and noted Narrogancets, by Amos Richardson and James Noyse, in the presence of Mr. Tho. Minor, Commissioner, August 15, 1679.

Question. How far the Pequot country extends eastward?

Answer. Suckquiskheeg and Waquachichgun, two ancient Pequit Indians, affirm, upon their own certain knowledge, that the Pequot country was bounded eastward by Wequapaug Brooke.

Quest. Whether Pawcatuck River was ever called Narrogancet River?

Ans. Corman, an ancient Narrogancett counsellor, and Tomsquash, Susquiskheeg, Waquechichgun, ancient Pequits, agree and affirm with the consent of many Indians present, that the river called Pawcatuck River lies in the Pequit country, and was never called Naragancet River to their knowledge.

Quest. Whether Soso, an Indian, had any title to the land called Squamacut, on the east side of Pawcatuck River?

Ans. Corman and Pametaquet, two noted ancient Naragancets, and Tomsquash, Suckquiskheeg, and Waquechichgun, noted ancient Pequits, with many other Indians present, affirm that Soso was a Pequot captain, and no sachem, and that he never was an owner of land, and ran to the Narrogancet in time of war, and treacherously returned to Pequit, and killed a great Pequit captain, and the Naragancet sachems rewarded him with a bag full of peage, which bag was made of a young bear skin, and that they gave him no land, neither had he any right to Squamacut land.

Quest. Where is the head of Pawcatuck River?

Ans. The above-said Indians all agree and affirm that the head of Paucatuck River is a pond called Chipchug, which lies above the pond called Acquibapauge.

Quest. Where is the eastward bounds of the Narragancett country?

Ans. Corman and Pametaquet and all the Pequot Indians present, which were many, agree and affirm that the river near to Mr. Blackstone's house, which river is called in Indian Pawtuck (which signifies a fall), because there the fresh water falls into the salt water, and now a saw-mill stands there, is the dividing bounds betwixt the Narrogancett country and the Wempanoags' land. A Pequot woman was the interpreter, called Hannah, who well understands the Indian language and English.

The mark of Hannah, *ℳ* Indian interpreter.

Stephen Richardson and Jos. Minor, being acquainted with the Indian language and present, they do attest unto the true interpretation, that it is the substance of what was spoken by the Indians. Stephen Richardson hath attested to the truth of this above written, upon oath, that he rightly understood it to be so, before me,

THOMAS MINOR, *Commissioner.*

STONEINGTON, the 15th September, 1679.

The *υ* mark of Simon, an Indian that can speak English, attests to the truth of what is above written. That on the other side and the above is a true copy of the original. December 15, 1679, per

JAMES RICHARDS, *Assistant.*

The above is a true copy of the original of this on file, being compared therewith this 3d of October, 1686, per me,

JOHN ALLYN, *Secretary.*

INDIAN SOSO'S RIGHT IN THE NARRAGANSETT COUNTRY.

For the Honored Major John Winthorpe, Esqr., at his house in New London, this dd.

HARTFORD, October 4th, 1686.

HONORABLE SIR,—Yours by Mr. James I received, (and am glad to hear of your good health and welfare,) and in obedience to your commands have enclosed all that I know of or can find in reference to Sosoe his title to lands. If it may anyways be serviceable unto you, I shall count my labor well spent; and if in anything I may be serviceable unto you, it will be very contentful to me to receive your commands, which you may assure yourself will be readily obeyed. I desire, Sir, that I may not want the favor of your letters, and in them what of news is communicable. I understand by your letters you are bound for a Court at Mr. Smith's next week. I wish you a good journey thither, and good success in your affairs and administrations. I have long been disappointed of seeing you, and of having discourse with you. I had hoped you would have had some occasion this way before this time; but that failing, I must take some other way or else I shall still be disappointed. Now there are so many of the pleasant branches of that ever honored stock together makes me covet a visit, but I fear I shall not attain it. The last time I was at your town, the night I came home, my mill was burnt, both corn and saw mill, and I am building it again, and hope to have them going before winter; so that I am afraid I shall not accomplish to see you before winter, but shall take the first good opportunity for it. Sir, pray present my respects to good Mrs. Curwin, Mrs. Ann, and your daughter, and all good friends with you, with my respects to yourself, is all the needful.

From your most affectionate servant,

JOHN ALLYN,

Mr. Hooker safely arrived with his cargo from your country, and presents his service to you.

Indorsed, "Captain John Allyn, Oct. 4, 1686, about Soso, an Indian, pretending right in the Naroganset country."

ATTORNEYS APPOINTED FOR NARRAGANSETT LANDS.

To all Christian people unto whom these presents shall come, Greeting: —

Whereas per a former order, bearing date the 21st of March, 1683, the major part of the proprietors of that part of the Naroganset country, formerly called the Mortgaged Lands, did nominate and appoint Mr. Richard Wharton, Captain Elisha Hutchinson, and Mr. John Saffin to be a committee in their behalfs, and manage the affairs of the said lands according to their best judgments and discretion respecting the good and welfare of the said country, and benefit and advantage of the proprietors, which order being thought too general, and not expressive of the particular matters now presenting in the present settlement of the said country, therefore to give better satisfaction to all those that are desirous to settle and make improvement in the said lands, as well as those already settled, we, the major part of proprietors, being met together and taking the premises into consideration, have thought fit to continue the said Mr. Richard Wharton, Captain Elisha Hutchinson, and Mr. John Saffin, or any two of them, to be a committee in our behalf. And do by these presents expressly, each for his respective concern in said lands, give and grant unto the said Richard Wharton, Elisha Hutchinson, and John Saffin, or any two of them, all our full power, strength, and lawful authority as agents for us and in our behalf,

being proprietors together with ourselves and others of the above-mentioned lands, farther to encourage and pursue the orderly settlement of the said lands and plantations; and to grant, bargain, sell, or lease any tracts, parts, or parcels of the above-mentioned lands, with their appurtenances, to such person and persons, for such estate for life or lives, inheritance or otherwise, and for such sum and sums of money, under such rents, covenants, agreements, and reservations as to our said committee and agents, or any two of them, shall be thought meet and convenient to the best advantage, profit, safety, and commodity of the proprietors. And the deed or deeds, conveyances, leases, instruments, and writings of the same grants and estates so to be made for and in the names and behalf of themselves and the rest of the proprietors to sign, seal, and execute to the use or uses of the person or persons to whom the same shall be so made, and the counter parts of the same deeds, leases, instruments, or writings in the name of the proprietors to accept and receive. Likewise to demand, collect, sue for, levy, recover, and receive all such payments, rents, and arrearages of rents, profits, and incomes which now are, or that at any day or days hereafter shall be owing, accrue, and be payable unto the said proprietors, (so long as the proprietors shall see cause to continue this power,) for any of the said lands already disposed or leased out, or that shall hereafter be granted, disposed, or leased, and to give acquittance or acquittances in due form of law for what they shall so receive in the name of the proprietors, and if need be for the same to contest in law unto a definitive sentence. And by all due and lawful ways and means to maintain and defend our right, title, and interest in the said lands, against all unjust claimers, pretenders, obtruders, and trespassers. And if they see cause, in point of pursuit or defence, to substitute attorney or attorneys under them to that end; generally to manage, transact, and negotiate

for, in the name and behalf, and to the use and benefit of the proprietors, in all things touching the due and orderly settlement and improvement of the said lands. And to act and do in our names and behalf respecting the same whatsoever we, and either of us, respectively, could or might lawfully do or cause to be done being personally present. Hereby ratifying and allowing of all and whatsoever our said committee, agents, or any two of them, shall lawfully do or cause to be done in the premises, according to the true import and meaning of these presents, they rendering unto us, our heirs, executors, administrators, or assigns, from time to time, an account of their actings, and payments that shall be made to them by virtue of this power, and our respective shares and effects, as often as it may be demanded or need shall require. And also applying themselves unto the proprietors for farther power and instructions as need shall be.

In witness whereof, we have hereunto put our hands and seals, the fifteenth day of December, Anno Domini one thousand six hundred eighty-six, Annoq. R. Rs. Jacobi Angliæ, etc. Secundi secundo.

SIMON BRADSTREET.	(Seal.)
WAIT WINTHROP, for my	
brother and self.	(Seal.)
RICH ^d SMITH.	(Seal.)
SIMOND LYNDE.	(Seal.)
FRANCIS BRINLEY.	(Seal.)
JOSHUA LAMB.	(Seal.)

Signed, sealed, and delivered in the presence of us,

EPHRAIM SAVAGE.

Is^a ADDINGTON.

Indorsed, "Copia. Commission or letter attorney from the proprietors of Narragansett lands to R. W., E. H., and J. S. Anno 1686."

ATHERTON PROPRIETORS' CLAIM TO THE NARRAGANSETT LANDS.

1683. *A true and brief Account of the just and legal right which we, his Majesty's subjects petitioning, have of the lands in the Narragansett Country and parts adjacent in his Majesty's Dominions in New England.*

In all humility presented.

Imp^{ra}. We, his Majesty's most loyal subjects, have derived our interest and long since purchased our said lands from Connonicus, the great sachem and prince of those countries at the first coming of the English into these American parts; and from those sachems which succeeded said Connonicus, his undoubted heirs, and from whom we have received legal and authentic deeds for all the lands aforesaid, under their hands and seals respectively, with legal possession of the same given unto us by the said sachems, the last whereof was about nineteen years since, in the presence of several hundreds of English and Indians to their mutual satisfaction, manifested by the free consent of the under sagamores and counsellors, who all gave up their several rights, or pretended interests they had, to any part of the countries aforesaid. And by their receipts of money from us by the said sachems and their interpreters at sundry times, under their hands and seals, manifested their free consent to all the grants of the great sachems aforesaid. We, the said purchasers, being very careful at all times and upon all occasions to satisfy any of the native Indians that had the least pretence of right to any of the lands aforesaid.

2. The said sachems have, by our instance, subjected themselves and people to our sovereign Lord the King, his government in and by the United Colonies in New England. And all the said Colonies have accordingly owned and approved of our purchase, right, and interest in those countries, and have by their several acts and

instruments manifested the same, in particular by their late letter and humble address to his Sacred Majesty; for our actions about the said lands were open and not clandestine, our deeds and evidences being registered, and remaining in divers courts of record to this day.

3. His Majesty was graciously pleased to allow and confirm our rights to the lands aforesaid, by his royal letters to the several Colonies, dated the 21st day of June, 1663, commanding them to protect and defend us in our just rights against the intrusion, molestation, and injuries done unto us by Rhode Island men, terming their irregular and tumultuous actions a scandal to justice and government.

4. The chief sachems of the said countries did in the times of the late bloody rebellion of Phillip (before they also revolted), by their delegates, ratify and confirm all and singular the grants of the lands aforesaid unto us the proprietors, as by the seventh article of their treaty now in print may appear; nor did the Indians which at any time inhabited those countries ever manifest the least discontent or grievance at or about the claim, possession, or improvement of those lands by us, the proprietors, but were always well satisfied therewith.

And whereas it hath been falsely affirmed by one John Green and Randall Holden of Warwick, that these lands of Narragansett were never purchased by any English, but that the Indians gave all their lands to King Charles the First of blessed memory, which they would seem to prove by a declaration out of Mr. Gorton's book —

To this we answer:—

1. That a great part of the lands aforesaid were purchased by Mr. Roger Williams, yet living, and by Mr. Richard Smith deceased, above fifty years ago, and possessed to this day by his son, Mr. Richard Smith, and divers others yet alive.

2. That the subjection of the Indians, their lands and

their people, to his late Majesty by that instrument, was (as we humbly conceive) no other than a putting themselves under the protection and owning the sovereignty of the King of England as his loyal subjects, which was the same that the Indians have ordinarily done in Plymouth Colony of old, and in other parts of America in his Majesty's dominions, manifesting their desire to live in amity and peace with the English under his Majesty's respective governments.

Whereas it is objected that three of his Majesty's commissioners, viz. Sir Robert Carr, George Cartwright, and Samuel Maverick, Esq., did, in the year 1664, under their hands and seals, make null all the deeds and evidences we, the said proprietors, had and still have for the said lands, ordering all the tenants and inhabitants to go off and quit their interest in and possession of those lands by such a time; but with this proviso, or limitation, that the Indians should forthwith pay unto the English proprietors 1053 fathom of wampum peague.

To which we reply:—

1. That the said commissioners (under favor) had no power by his Majesty's said commission so to determine, much less, without legal process to null or make void any title of lands, or dispossess any of his Majesty's good subjects of their just rights in these parts.

2. If it be admitted that the said commissioner had a power to put men out of their possession, which they had then quietly enjoyed about thirty years, yet, there being no act they could do by virtue of their commission valid or binding, except Colonel Rich^d Nicholls (with whom as chief the rest were joined in commission) were present and by his consent confirmed the same, as by the said commission may appear: but the said Colonel Nicholls was then many hundred miles off. Therefore, &c.:

3. If it be granted (which we cannot but deny) that what the first-named three commissioners then did was

by their commission and according to law, yet the proviso or condition thereof, viz. that the Indians should forthwith pay to the proprietors so many fathom of wampum peague, being not performed, their said act is void.

4. That notwithstanding whatsoever those three commissioners aforesaid had done, or pretended to do about dispossessing our tenants and inhabitants, or destroying the titles of us, the proprietors, yet upon better consideration the said Colonel Nicholls and the rest of the commissioners did by several instruments under their hands and seals make null and void the same.

By all this may appear the absurdity and invalidity of the allegations and pleas of the said Holden and Green against the rights and just interest of us, the proprietors in the lands aforesaid.

All which we, the said proprietors, are ready to prove and make good by legal deeds and the testimonies of persons yet alive upon the place, at any time when and before whom his Majesty shall be graciously pleased to commissionate to hear and determine the justice and legality thereof.¹

Thus far is a true copy of what was by us, the proprietors, presented unto his late Majesty of famous memory in defence of our just right to the lands aforesaid.

1686. To which may be added:—

That Mr. Gorton and Mr. Holden, etc., themselves at the same time of that submission of the Indian sachems, their people and lands, &c., to his Majesty and the state of England (as Gorton in his book words it), understood no other than we now do and have declared, viz. to be the King of England's loyal subjects, to be governed by and have the benefit of his laws, and enjoy the privilege of his royal protection, &c., as is inserted in the said Gorton's

¹ This petition, ending here, is printed in Potter's "Early History of Narragansett," pp. 226-228. — Eds.

book, page 82, 83, 85, 87, and other places.¹ Otherwise why did Gorton, Holden, Green, and others of their party presume to purchase the King's lands of the Indians divers times since without the King's special license, and sell some of them again? Witness Mr. Holden's deeds, acknowledged before your Excellency in Council, besides other of their deeds and conveyances that might be mentioned. And whereas Mr. Holden and Green do pretend they have a deed for Coweset lands, it proves itself false in that there are different copies by Green himself as a public officer, which contradict each other in the most essential and principal parts thereof, which is obvious to every eye. Add unto this, the Rhode Islanders themselves, at a General Assembly held at Newport, October the 30th, 1672, have owned and so far as in them lies confirmed the purchases made by and grants to Major Humphry Atherton and Company or Associates, even all the lands in the Narraganset Country, &c., according to their respective grant or grants, deed or deeds, for the same; which was occasionally done in that Court by some transactions of their own, and not by any application of us, the proprietors, to them. Hence surely it follows that that which all parties, both English and Indians, by their words and actions, sooner or later, upon all occasions, have acknowledged to be truth, must of necessity be so.

R^p WHARTON.

ELISHA HUTCHINSON.

JOHN SAFFIN.

BOSTON. 24 February, 1683.

Indorsed, "A copy of a declaration of the proprietors to his Majesty affecting their right to the Narragansett lands, Anno 1683."

¹ The references are to Samuel Gorton's "Simplicities Defence," &c., London, 1646. — Eds.

PETITION AND CLAIM FOR LAND IN NARRAGANSETT.

To his Excellency, Sir Edmond Andros, Knight, Captain General, and Governor in Chief of his Majesty's Territory and Dominion of New England.

THE humble petition and claim of Richard Wharton, Elisha Hutchinson, and John Saffin, being a committee or agents for the proprietors for the greatest part of the lands in the Narragansett Country, or King's Province, Showeth: That in obedience to a commission from his late Majesty of ever blessed memory, directed to Edward Cranfield, William Stoughton, and Joseph Dudley, Esqrs., and others, bearing date at White hall, the seventh of April in the thirty-fifth year of his reign, the said proprietors exhibited their challenge and claim, with clear evidence of their title in the lands aforesaid, and obtained the said commissioners' report to his said Majesty of their right.

That your petitioners, understanding his Majesty, our now gracious King, hath directed your Excellency to make farther inquiry and report in the matter aforesaid, your petitioners wait upon your Excellency with a duplicate of the said report, and the evidences on which the same was drawn, together with some additional proof of their right; humbly praying for opportunity to exemplify the same, and to make defence against all counter claims and pretensions; and that your Excellency after a full hearing would be pleased to make such farther report to his Majesty of the proprietors' right as your Excellency shall find contained in their evidence. And your petitioners shall ever pray.

R^d WHARTON.

ELISHA HUTCHINSON.

JOHN SAFFIN.¹

Boston, 24th February, 1684.

Indorsed, "Messrs. Wharton, Hutchinson, and Saffin's petition and claim for land in Narragansett."

¹ The signatures to this and the preceding paper are genuine autographs. — Eds.

RICHARD WHARTON AND OTHERS RELATIVE TO CLAIMS
IN THE NARRAGANSETT COUNTRY.

BOSTON, May 16, 1687.

UPON the petition of Rich^d Wharton, Elisha Hutchinson, and Jn^o Saffin, a committee or agents for the proprietors of the greatest part of the lands in the Narragansett Country, or King's Province, to his Excellency, setting forth that they wait on him with a duplicate of reports given in that matter, and the evidences on which the same was drawn, with some additional proof of their right, praying opportunity to exemplify the same, and that his Excellency, after full hearing, would please to report their right to his Majesty, two of the clock afternoon was by his Excellency appointed to hear them therein. Who accordingly came and brought many papers, purporting to be deeds from Indians, by which, and his Majesty's patent to Connecticut, his Majesty's letters, and the Government's of Rhoad Island owning their purchase and possession, they pretend rights to all Narrogansett Country, &c.; all being read and much time spent in debate of the matter. Their greatest claim was under Governor Winthrop and Major Atherton, to whom the Indian deeds are said to be made. And thereupon they were ordered to bring in who they were that claimed under the said Winthrop and Atherton, and by what manner and upon what they grounded their pretences, and the certainty of what they pretended to, that report might be made by his Excellency accordingly.¹

¹ A copy without signature or indorsement. — Eds.

AGREEMENT WITH THE FRENCH PEOPLE SETTLED IN THE
KING'S PROVINCE.

WHEREAS there was articles of agreement made and concluded between Richard Wharton, Esqr., Elisha Hutchinson, and John Saffin, the committee for the proprietors of the Narragansett Country, and Ezekiell Care, Peter Berton, and others, French gentlemen, their friends and associates, whose names are thereunto subscribed, bearing date the 12th day of October last, concerning the settlement of a place called the Newberry Plantation in the Narragansett Country, which upon second consideration, in regard of the remoteness of the same from the sea, they have by the mutual consent of the said committee declined the settlement of the said plantation, and the said Mr. Ezekiell Care, Mr. Peter Berton, in behalf of themselves and others, their friends and associates who have hereunto subscribed, are now come to and have made a new agreement, in manner and form following, this 4th day of 9bre, 1686, annoq. R. Rs Jacobi Secundi Angliæ, &c. secundo, viz.:—

Imprimis. That the said Richard Wharton, Esqr., Captain Elisha Hutchinson, and Jno. Saffin, the aforesaid committee, do by these presents covenant, grant, and agree to and with the said Ezekiell Carre, P. Berton, French gentlemen, their friends and associates, who have hereunto subscribed, to lay out a meet and considerable tract of land in the township of Rotchester,¹ about the long meadow Kickameeset, above Captain John Jones his house, wherein each family that desire it shall have one hundred acres of upland in two divisions; viz. a house-lot containing twenty acres, being twenty rods broad in front, laid out in due order, with a street or highway of six rod

¹ Now Kingston. — Eds.

broad to run between the said lots upon which they shall front.

Secondly. That the second division to make up the said hundred acres of upland shall be laid out on the western side of the said house-lots, as near as the land will bear. That all the said meadow, with that which lieth adjacent between the southern purchase and west line that is to run from Jno. Andrew's northern corner above the path, shall be divided into one hundred parts, each one to have his proportion according to the quantity of land he shall take up and subscribe for. That there shall be laid out for the said Mr. Ezekiel Carre, the present minister, one hundred and fifty acres of upland in the same manner, and meadow per proportionable, gratis to him and his heirs forever; and one hundred acres of upland, and meadow proportionable, to an orthodox Protestant ministry; and fifty acres of like land towards the maintenance of Protestant schoolmasters for the town forever. That for every hundred acres, be it upland or meadow, laid out in form aforesaid, each one shall pay unto the said committee or assigns twenty pounds, in current money, or in goods answerable to their satisfaction. That those that are not able, or do not see cause at present to pay for their land, they shall have three years' time of payment at the rate of twenty-five pounds per hundred acres, laid out as aforesaid, and so according to proportion for what land they shall take up and subscribe for. And in case they do not pay within the term of three years, each one shall pay interest for the same at the rate of six per cent. And for what money any one shall pay sooner, it shall be bated accordingly. That until the said meadow be divided, those that inhabit first on the place in manner aforesaid shall have the benefit of improvement, and likewise of the undivided lands adjacent, until they be otherwise disposed. That upon payment of the money for the land as aforesaid good and legal deeds shall be given,

signed and sealed by the said committee, to each one according to his proportion of land granted.

In witness whereof, the parties within mentioned have each for themselves interchangeably set their hands and seals, the day and year above written. Signed, sealed, and delivered by Mr. Hutchinson and Saffin in the presence of Walter Stephens, Jun., Lodowick Updick, John Gove, Alexander Hunting.

RICH^d WHARTON. (Seal.)

ELISHA HUTCHINSON. (Seal.)

JOHN SAFFIN. (Seal.)

Indorsed, "29th July, 1688. Copy of the agreement made by Wharton and others with the French people settled in the King's Province."¹

JACOB MILBORNE TO FITZJOHN WINTHROP.²

To the Honorable John Winthrop, Esqr., Commander-in-chief of the Forces at Saraghtoge.

ALBANY, August 2d, 1690.

WE received yours, and have sent what wagons could be provided, likewise the order for all others where they may be procured, not doubting but the negro hath safely delivered your letters, an answer whereof the post stays. Please to let us know if he may be returned. We likewise pray your utmost care in returning the horses belonging to the inhabitants, who are so clamorous that it is intolerable. If they come not, we must be forced to subscribe for payment. Hoping all things may

¹ These were Huguenots who escaped from France on the revocation of the Edict of Nantes, Oct. 24, 1685. See Arnold's History of Rhode Island, I. 496, 497. — Eds.

² For an explanation of this letter, see Trumbull's Connecticut, I. 382. Milborne was son-in-law to Jacob Leisler of New York, who at the Revolution seized the government there for King William. The indorsement, written at a later date, is erroneous. — Eds.

prove more fortunate than what you have notice from Fishers Island and those parts, wishing all that can make you easy and successful,

We are your humble servants,

JACOB MILBORNE, *Com^{ry}*.

Indorsed, "Thos. Milburne, from Albany."

MARY OSGOOD INDICTED FOR A WITCH.¹

PROVINCE OF THE MASSACHUSETTS BAY IN NEW ENGLAND,
ESSEX SS.

Ano. R. R. et Reginae Guilielmi et Mariæ Angliæ, etc., Quarto Anōq.
Dom. 1692.

THE jurors, for our sovereign lord and lady the King and Queen, present: That Mary Osgood, wife of Captain John Osgood, of Andiuor in the county of Essex, about eleven years ago, in the town of Andivo^r aforesaid, wickedly, maliciously, and feloniously a covenant with the Devil did make, and signed the Devil's book, and took the Devil to be her God, and consented to serve and worship him, and was baptized by the Devil, and renounced her former Christian baptism, and promised to be the Devil's both body and soul forever, and to serve him; by which diabolical covenant by her made with the Devil she, the said Mary Osgood, is become a detestable witch, against the peace of our sovereign lord and lady the King and Queen, their crown and dignity, and the laws in that case made and provided.

Indorsed for filing, "Mary Osgood, for covenanting with the Devil." Also, "Billa vera, Robert Payne, foreman." Also, "Ponet se," and "Non Cull. found."

¹ We do not find the indictment against Mary Osgood anywhere published. Her examination and confession, 8th September, 1692, are given in Hutchinson, II. 31-33; also her recantation, at p. 40. As appears by the indorsement on the bill, — "Non cul[pabilis] found," or "Not guilty," — she was acquitted. — EDS.

CONCERNING THE SURRENDER OF CONNECTICUTT
CHARTER.¹

THE Corporation of Conecticut in New England, not having under their public seal surrendered their charter, and there being no surrender upon record, only when it was proposed to them by the late King James that they should take their choice whether they would be under the Governor of New York or of Boston, they humbly prayed they might still enjoy the privilege of choosing their own Governor according to their charter. But if the King was resolved otherwise, they said they had rather be under Boston than under New York.

After which, in the year 1687, Sir Edmond Andros did, by a commission from the late King James, invade the liberty of the people in that Colony, and exercise a government over them contrary to their charter, which they most unwillingly submitted unto; but since the late happy revolution in England, the people of Conecticut have chosen a Governor and Assistants according to their charter, and doubt not but what they have a legal right to their former privilege.

Query, whether the charter belonging to Conecticut in New England is, by means of their involuntary submission to Sir Edmond Andros' government, void in law, so as that the King may send a Governor to them contrary to their charter privileges, where there hath been no judgment entered against their charter, nor any surrender thereof upon record?

I am of opinion that such submission as is put in this case doth not invalidate the charter, or any the powers therein which were granted under the great seal, and that the charter not being surrendered under the com-

¹ The substance of this paper is printed in Trumbull's Connecticut, I. 386, 387. — Eds.

mon seal and that surrender duly enrolled of record, nor any judgment of record entered against it, the same remains good and valid in the law, and that the corporation may lawfully execute the powers and privileges thereby granted, notwithstanding such submission and appointment of a governor as aforesaid. 2d August, 1690.

EDW. WARD.

I am of the same opinion,

J. SOMERS.

I am of the same opinion ; and as this matter is stated, there is no ground of doubt.

GEO. TREBY.

The above-written is a true copy of the original on file, being compared therewith, September 25, 1693, per me.

JOHN ALLYN, *Secretary*.

Indorsed, "The Solicitor and Attorney General and Mr. Warde's opinion, &c. No. 10."

THEIR MAJESTIES' LETTER TO CONNECTICUT, TOUCHING THE COMMAND OF THE MILITIA.

*To our trusty and well-beloved the Governor and Magistrates of our Colony
of Connecticut in New England, now and for the time being.*

Marie R.

TRUSTY AND WELL-BELOVED, — We greet you well. Having received your humble petition presented unto us by Major-General Fitz John Winthrop, your agent, humbly praying that our commission to our trusty and well-beloved Benjamin Fletcher, Esqr., our Governor of our Province of New York, for the command of the militia of our Colony Conecticot, may receive such explanation and restriction as in our royal justice and wisdom we shall think fit: We, being well pleased with your dutiful submission to

our royal determination herein, and having great care and tenderness for the preservation and security of all our loving subjects, as well within our Colony of Conecticot as other our adjacent Colonies, we have referred the consideration of the said petition to the Lords of our Privy Council, appointed a Committee of Trade and Foreign Plantations; who having consulted our Attorney and Solicitor Generals what may be done by us for the uniting the strength of our said Colony of Conecticot and the adjacent Colonies for the defence of our subjects in those parts against the French, and having presented unto us the opinion of our said Attorney and Solicitor Generals thereupon; that we may constitute a chief commander, with authority to command or order such proportion of the forces of each Colony as we shall think fit; and farther, in time of invasion and approach of the enemy, with the advice and assistance of the Governors of the Colonies, to conduct and command the rest of the forces for the preservation and defence of such of our said Colonies as shall most stand in need thereof, as by our order in Council, dated the nineteenth day of April last, upon the report of our Attorney and Solicitor Generals in this matter, which order or a duplicate thereof you will herewith receive, is more at large set forth; we have thereupon farther signified our pleasure to our said Governor of New York, that in the execution of the powers of his said commission he do not take upon him any more then during war to command a quota or part of the militia of our said Colony of Conecticot, not exceeding the number of one hundred and twenty men, which we do here think fit to signify our pleasure to be the measure of the assistance to be given by our said Colony; with especial directions to our said Governor of New York that he do not command or draw more of the said quota of the militia of our said Colony of Conecticot then he shall in proportion command or draw out from the respective militias of the

adjacent Colonies ; except in case of imminent danger of an actual invasion of the enemy, in which case we have farther directed him that, with the advice of the Governor of our said Colony, he conduct and command the rest of the forces of that our Colony for the preservation of our said Colony, or of such other of our adjacent Colonies as shall most stand in need thereof, he taking care that he do not leave our said Colony unprovided of a competent force for the defence and safety thereof. And not doubting of your ready and cheerful obedience, in a matter wherein the security and preservation of all our good subjects within our said Colony of Conecticot and the parts adjacent are so much concerned, we do hereby require and command you, as there shall be occasion, to give obedience to our said commission ; and the powers and authorities thereof to be executed in such manner as we have directed our said Governor of New York, according to the signification of our pleasure as aforesaid. And the said Major-General Fitz John Winthrop will, upon his arrival, inform you of our gracious intentions to continue our royal protection to you and all our subjects of that our Colony ; and particularly in what may relate to the preservation of the peace, welfare, and security of the same, and maintaining your just rights and privileges, wherein your said agent has been as well very zealous and careful in your behalf as diligent in soliciting our royal determination, in the matter, which we thought fit to let you know. And so we bid you farewell.

Given at our Court at Whitehall, this twenty-first day of June, 1694, in the sixth year of our reign.

By her Majesty's command.

J. TRENCHARD.

Indorsed, " Copy of their Majesties' letter to Conecticot."

THE GOVERNMENT OF THE NARRAGANSETT LANDS.

To the Right Honorable the Commissioners for Trade and Plantations.

MAY IT PLEASE YOUR HONORS,—In obedience to an order of reference of the Right Honorable the Lords of the Committee of Trade and Plantations, signified to me by Mr. Povey, the 22d of May, 1695, upon the petition of Wayt Winthrop and others concerning the settlement of the King's Province or Narragansetts Bay in New England,—

I have considered of the said petition, and do find that King Charles the Second, by letters patents bearing date the 23d day of April, in the 14th year of his reign, granted to the Governor and Company of Coñecticot and their successors Narragansetts Bay in New England, together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines, minerals, precious stones, and all and singular other commodities and jurisdictions whatsoever, reserving to his Majesty, his heirs and successors, the fifth part of the ore of gold and silver only.

That after the said grant, viz. in July, 1663, the said Country of Narragansetts Bay was by letters patents granted to the Governor and Company of Road Island Plantation. But I am humbly of opinion that this grant to Road Island is void in law, because the country of Narragansetts Bay was granted before to Conecticott, and that therefore the government of Narragansetts Bay doth of right belong to Coñecticott, and not to Road Island.

All which is humbly submitted to your Honors' great wisdom.

THO. TREVOR.

OCTOBER 28th, '96.

Indorsed, "Attorney-General's Report about the government of the Narrig^t Lands. Narragenset Land to Connecticut."

TO SIR HENRY ASHURST, ABOUT A LETTER FROM
BOSTON.*For Sir Henry Ashurst.*

HONORABLE SIR, — I am a little surprised at the report in a letter, which is said to be sent from the Government of the Mattachusetts, and delivered to the Secretary of State, and a duplicate of it to my Lord Bellomont, reflecting upon the Government of his Majesty's Colony of Conecticot; but I hope my Lord, and yourself their agent, will do me so much justice to give me opportunity to clear up any objections against them from the Province of the Mattachusetts or any other, to prevent a misunderstanding at Court by such unkind and needless suggestions, which may be of ill consequence. Yourself will do me a great favor to appoint any time of the day to wait upon my Lord Bellomont with yourself, which shall be acknowledged a particular obligation put upon

Your most humble servant.

[Unsigned.]

LONDON, March 29th, 1697.

Indorsed, "Copy to Sir Henry Ashurst, about a letter from Boston."

THE DUCHESS OF HAMILTON'S CLAIM.

To the King's Most Excellent Majesty.

THE humble petition of Anne, Duchess of Hamilton, daughter and heir of James, late Duke Hamilton, sheweth :

That your petitioner is, by virtue of an ancient grant made to the said James, Duke of Hamilton, entitled to a tract of land in America, formerly called the county of New Camebridg, and now known by the name of the Narroganset Country, or the King's Province, and to several islands adjacent thereunto, as by the annexed state of

the case may more fully appear ; which said tract of lands and islands your petitioner's father intended to settle, until he was prevented by the Rebellion in England, wherein he, espousing the royal cause of King Charles the First, lost his life, leaving your petitioner very young ; during which war and your petitioner's minority several persons possessed themselves of the best and most considerable part of the said tract of land and islands, without any title derived from your petitioner's said father or herself, and have never paid any quitrent, or made any acknowledgment for the same, though your petitioner and her late husband, William, Duke of Hamilton, made frequent claims to it after the restoration of King Charles the Second, and offered, as your petitioner still does offer, to confirm to the planters their respective settlements under such reasonable acknowledgments as are paid by other planters in the like case.

Your petitioner therefore most humbly prays your Majesty to give order that she may be established in her right to the said tract of land, and that the said inhabitants may pay her such quitrents for her lands they have taken up as your Majesty in your great wisdom shall think just ; and that the residue of the lands unimproved may be put into your petitioner's possession. And your petitioner shall ever pray, &c.

A true copy,

WILLIAM BRIDGEMAN.

At the Court at Kensington, the 22d day of April, 1697.

Present, the King's Most Excellent Majesty in Council.

Upon reading this day at the Board the humble petition and case of Anne, Duchess of Hamilton, daughter and heir of James, late Duke of Hamilton, his Majesty, taking the same into his royal consideration, is pleased to order in Council, That the said petition and case (copies whereof

are annexed) be and are hereby referred to the Right Honorable the Council of Trade for their consideration, and to report the state of the matter, with their opinion what they conceive his Majesty may fitly do therein for the honorable petitioner's just satisfaction.

Copy,

WILLIAM BRIDGEMAN.

Indorsed, "The Petition of Ann, Duchess of Hamilton, and the King's order of reference thereon, April 22, 1697."

THE CASE OF ANNE, DUCHESS OF HAMILTON.

3d of November, 1620. King James the First, by letters patent, incorporated the Duke of Lenox, Marquis of Buckingham, and divers others, by the name of the Great Council of Plimouth, in the County of Devon, for the planting, ruling, ordering, and governing New England in America, and grants to them and their successors all the lands, &c., in America lying between forty and forty-eight degrees of northerly latitude, and all islands, seas, rivers, creeks, inlets, and havens within these degrees, reserving only a fifth part of the ore, gold, and silver.

22d of April, 1635. The Great Council of Plimouth, reciting the letters patent above, in performance of an agreement amongst themselves and for a competent sum of money, grant to your petitioner's father, James, then Marquis of Hamilton (afterwards Duke of Hamilton), his heirs and assigns, amongst other things, all that part and portion of the main lands of New England beginning at the middle or mouth of the entrance of Conecticot River, and from thence along the sea-coast to the Naroganset River, or harbor there, to be accounted sixty miles in length and breadth; and all islands and islets, as well embayed as within five leagues' distance of the premises, and abutting upon the same or any part thereof, not

otherwise granted by any by special name, and appoints the premises to be called from thenceforth by the name of the County of New Cambridg.¹

1636. The Duke of Hamilton sent over an agent to survey and settle the country; but the Civil War beginning soon after, and the Duke of Hamilton being engaged in the King's service had no farther leisure to look after his interest in America, and the revolt of those Colonies from the King made it impracticable for him so to do.

The Duke of Hamilton lost his life for the King, and leaving your petitioner, his daughter and heir, under age, whose misfortune as well as minority incapacitated her to assert her right.

During this time several persons, from other adjacent Colonies, settled themselves on the petitioner's lands, without any legal authority derived from her or her father.

¹ This claim of the Duchess of Hamilton was based on the division of the territory of the Council for New England, made in 1635, when that body surrendered their charter to the King, previous to which the several members of the company had passed to each other deeds of feoffment bearing date 22 April. James, Marquis (afterwards Duke) of Hamilton, the father of the claimant, was one of the members of the Council, and he received his share of the division. See Records of the Council for New England, in Proceedings of the American Antiquarian Society for April, 1867. It was hoped and expected that the King would confirm this act of division, and incorporate these several districts into distinct governments, but it was never done. Sir Ferdinando Gorges, in 1639, received a charter incorporating his division. But this was all. A copy of the Marquis of Hamilton's deed is on file with the Trumbull manuscripts, and is printed here to accompany the papers relating to it, although it has already been printed in Mr. H. H. Hinman's *Antiquities*, or "Letters from the English Kings and Queens," &c., Hartford, 1836, pp. 15-19. Connecticut was cited before royal commissioners several times to answer to this claim, and uniformly pleaded the possession of an earlier deed received through Fenwick, known in the history of Connecticut as the Warwick deed, or Old Patent of Connecticut, concerning which it would be desirable to have more information than we now possess. This deed and other allied documents may be seen in Hinman's book, and also in the Appendix to Vol. I. of Trumbull's *Connecticut*. See a note on the so-called Warwick Patent, in the *Narrative and Critical History of America*, III. 75-77. — Eds.

1664. After the restoration of King Charles the Second, the late Duke and present Duchess of Hamilton made their claim by petition to the King, who referred it to the Commissioners then appointed to settle the affairs of New England, to examine the petitioners' title, and restore them to their right, or to report their opinion to the King.

This reference did not arrive till two of the Commissioners, viz. Sir Robert Carr and Colonel Cartwright, were returned for Old England; but the other two Commissioners, Col. Richard Nichols and Mr. Mauerrick, in 1666, report that the grant¹ made to the petitioner's father took in all Rhode Island Colony and about half of Conecticot, and that the sachems of the Naroganset Country, or King's Province, had, in 1644 (which was twenty-three years after the grant from King James the First to the Council of Plimouth, and nine years after their grant to the Marquis of Hamilton), by a deed surrendered themselves and country into the protection of King Charles the First, and that two of these very Indian kings delivered the same deed to the Commissioners in 1664; who thereupon entered into the country, in the name of King Charles the Second, and named it the King's Province, and appointed justices of the peace to govern it till the King's pleasure were farther known.

Notwithstanding this evasive report, taking no notice of the petitioner's claim, King Charles the Second issued out a proclamation prohibiting all persons to intrude or plant on the said Naroganset country, to prevent the irregular settlements which have since happened in that place, of which the petitioner complains.

1682. King Charles the Second appoints Mr. Cranfeild, Mr. Stoughton, and Mr. Dudley, Commissioners for

¹ The word "grant" is substituted for "report," an obvious error, corrected here by another copy of this paper. — EDS.

examining the titles of all persons claiming right in the Naroganset Country.

The late Duke of Hamilton and the petitioner, having notice of this commission, empowered Mr. Edward Randolph to exhibit their title before those Commissioners; but they had finished and sealed up their report before he arrived there.

Mr. Randolph notwithstanding made his application to the Commissioners, and produced the petitioner's title before them; but the fleet being then ready to sail for England, and the persons of whom the petitioner complained being then not present, the Commissioners only made a short report, that they had seen the petitioner's grant, and that it comprehended the greatest part of the Naroganset Country, and that they had sent copies of it to the planters who had intruded into that country without title, that they might return their answer to England.

1687. Sir Edmond Andros, then Governor of New England, received a commission to make farther inquiry into the propriety of the Naroganset Country; who, upon a full hearing of all persons then possessing that country, —

Report, that the possessors had no legal title, but were intruders; and that the grants of that country to Conecticot and Rhode Island people, which were obtained from King Charles the Second in 1662 and 1663, were got by surprise and false suggestions of some prior grants, which he avers in that report were never made.

Of this commission and report the petitioner had no manner of notice, and therefore could make no claim before him; otherwise the petitioner makes no doubt but her title had been sustained at that time.

Indorsed, "The Case of Ann, Duchess of Hamilton."¹

¹ An earlier indorsement on this paper is, except the following, carefully erased: "April 22d, 1697. No. 5." — Eds.

STATEMENT OF THE HEIRS OF THE DUKE OF HAMILTON.

MEMORANDUM. — Upon the 29th of April, 1697, the Earl of Arran delivered to the Council of Trade another copy of the case of Anne, Duchess of Hamilton, in which the paragraph beginning, “Mr. Randolph notwithstanding,” &c., was altered in the words following: —

“Notwithstanding the commission’s being closed, upon the application of Mr. Randolph, they gave in an additional report in the year 1683, wherein they declare that they had summoned the proprietors who made claim to the King’s Province, or Naragansett country, and in their presence had read the copy of the Duke and Duchess of Hamilton’s deeds, and heard Mr. Randolph’s pleas and improvements thereon as agent from the Duke and Duchess of Hamilton, and have also received the answer and defence of the said proprietors, and at the same time they did also order copies of the deeds of the Duke and Duchess of Hamilton to be sent to the Colony of Connecticut, to the end that they might make answer thereunto, which was done in eighty-three; and in December following the Governor and Council of Connecticut gave in their answer to the Duke and Duchess’s claim, which the petitioner is ready to produce, with her reply thereunto.”

A true copy, taken out of the office of record for his Majesty’s Colony of Connecticut, and compared with the original upon file in Hartford, this 28th of January, 1697.

Per me,

ELEAZAR KIMBERLEY, *Secretary*.

Indorsed, “A copy of the Earl of Arran’s Memorial, 1697.”

DEED TO THE MARQUIS OF HAMILTON FROM THE
COUNCIL FOR NEW ENGLAND.¹

THIS indenture, made the 22d day of April in the eleventh year of the reign of our sovereign lord, Charles, by the grace of God King of England, Scotland, France, and Ireland, Defender of the Faith, &c., between the Council established at Plymouth, in the County of Devon, for the planting, ordering, ruling, and governing of New England in America, of the one part, and the Right Honorable James, Marquis Hamilton, of the other part, witnesseth, that whereas our late sovereign lord, King James of blessed memory, by his Highness's letters patents, under the great seal of England, bearing date at Westminster the third day of November in the eighteenth year of his Highness's reign over the realm of England, for the considerations in the same letters patents expressed, hath absolutely given, granted, and confirmed unto the said Council and their successors forever all the lands of New England in America lying and being in breadth from forty degrees of northern latitude from the equinoctial line to forty-eight degrees of the said northerly latitude, inclusively, and in length of and within all the breadth aforesaid throughout the main land from sea to sea, together also with all the firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines, and minerals, as well royal mines of gold and silver as other mines and minerals, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, and pre-eminences, both within the said tract of land upon the main, and also within the islands and seas adjoining, as by the said letters patents,

¹ See note, p. 183. — Eds.

amongst divers other things therein contained, more at large it doth and may appear. Now this indenture further witnesseth, that the said Council, in performance of an agreement made by and between themselves, and enacted the third day of February last past before the date of these presents, for a competent sum of money, and also for other good causes and considerations them the said Council hereunto especially moving, have given, granted, bargained, sold, enfeoffed, and confirmed, and by these presents do give, grant, bargain, sell, enfeoff, and confirm unto the said James, Marquis Hamilton, his heirs and assigns, all that part, purpart, and portion of the main land of New England aforesaid, situate, lying, and beginning at the middle part of the mouth or entrance of the river of Connecticutt in New England, and from thence to proceed along the sea-coast to the Narragansett river or harbor, there to be accounted about sixty miles, and so up the western arm of that river to the head thereof, and into the land northwestwards till sixty miles be finished, and so to cross over land southwestwards to meet with the end of sixty miles to be accounted from the mouth of Connecticutt up northwest, and also all islands and islets as well imbayed as within five leagues' distance from the premises, and abutting upon the same or any part or parcel thereof not otherwise granted to any by special name; all which part and portion of lands and premises shall from henceforth be called by the name of the County of New Cambridge; and also the said Council, for the considerations aforesaid, have given, granted, bargained, sold, enfeoffed, and confirmed, and by these presents do give, grant, bargain, sell, enfeoff, and confirm unto the said James, Marquis Hamilton, his heirs and assigns, all that other parcel or portion of lands, woods, and wood grounds, lying on the east side of the river of Sagadahock, in the easterly part of New England aforesaid, containing and there to contain ten thousand acres,

and to be had and taken together as conveniently as the same may be towards the head of the said river, and next unto the land of Edward, Lord Georges, there, which from henceforth is to be called by the name of

; and moreover the said Council, for the consideration aforesaid, have given, granted, bargained, sold, enfeoffed, and confirmed, and by these presents do give, grant, bargain, sell, enfeoff, and confirm unto the said James, Marquis Hamilton, his heirs and assigns, together with the said bargained premises, all the firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines, and minerals, as well royal mines of gold and silver as other mines and minerals, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, and pre-eminences, both within the aforesaid tracts of lands upon the main, and also within the islands and seas adjoining, saving, excepting, and reserving out of this present grant only the fifth part of all the ore of gold and silver due to his Majesty, his heirs and successors, and in and by the said letters patents reserved, — To have and to hold all those the said several parcels of land, and all other the said bargained premises, with their and every of their appurtenances (except before excepted), unto the said James, Marquis Hamilton, his heirs and assignees, to the only proper use and behoof of him the said James, Marquis Hamilton, his heirs and assignees, forever, and to be enjoyed as fully, freely, and in as large, ample, and beneficial manner and form, to all intents and purposes whatsoever as they the said Council and their successors, by virtue of the said recited letters patents, may, might, or ought to have, hold, and enjoy the same, or any part or parcel thereof.

In witness whereof to the one part of this present indenture, remaining in the hands of the said James, Marquis Hamilton, they the said Council have fixed their common seal; and to the other part of this present in-

denture, remaining in the hands of the said Council, the said Marquis hath set his hand and seal.

Dated the day and year first above written, Annoq. Domini 1635.

SIR FRANCIS PEMBERTON'S OPINION ON THE MARQUIS
OF HAMILTON'S CASE.¹

KING James the First, in the 20th year of his reign, by letters patent incorporates the Duke of Lenox and divers other persons, by the name of the Great Council of Plymouth here in New England, for the planting, ruling, and governing New England in America; and grants to them and their successors all the lands, &c. in America, between forty and forty-eight degrees of northerly latitude.

The said Council of Plymouth, who never had possession of said land, the 2d² of April, 1635, grant to M. H.³ and his heirs all that part and portion of the main lands of New England, beginning at the mouth of Connecticut River and from thence to Narragansett River, to be accounted sixty miles in length and breadth, and all islands within five leagues' distance of the premises.

About the same time the said grant was made to M. H., or soon after, several persons, his Majesty's subjects living in New England, (but without any notice or knowledge of the said grant to M. H.,) purchased of the Indian princes

¹ This paper bears no date, but it belongs to the period covered by the other documents here printed. The body of the paper is in one hand, and the answers to the queries, afterwards written in, indented, are in a different hand,—the same in which the signature, "Fr. Pemberton," is written. The substance of this opinion is given in Trumbull's Connecticut, I. 163. — Eds.

² Should be the 22d. — Eds.

³ The Marquis of Hamilton. — Eds.

and others, the true and natural owners and proprietors thereof, divers parcels of land lying within the limits of the said grant to M. H., as is now pretended, particularly an island called Rhoad Island, and great part of a tract of land called Connecticut, Narragansett, Warwick, and other places; and in the years 1659 and 1660, other of the Narragansett Country; which places have been possessed by the said purchasers and those deriving from them ever since the said several purchases; and the said purchases have been always approved of by the several governments there, and never disallowed or disapproved of here, and several towns have been built, many farms and plantations settled, great treasure laid out, and several descents cast.

M. H. nor his heir, or any deriving from him, have never had possession nor laid out anything upon the premises, nor made any claim in the said country until the year 1683, which was about forty-eight years after the said grant, the said heir by his attorney claimed the said lands at Boston in New England, which is above seventy miles from the premises, and in another country. The heir of said M. H., after threescore and two years, demands the said premises or a quitrent.

1 *Query*. Whether the heir of said M. H., there having been no possession in the said M. H. or heir, nor purchase by them from the Indians, the owners of said lands, nor anything expended by them in the settlement thereof, may by law recover the premises, and oust or eject the said purchasers and proprietors who are now in possession, or force them to pay a quitrent?

Upon consideration of the case, I am of opinion that the purchasers of these lands and grounds, who bought of the said Indian princes, and the heirs and assigns of those purchasers, have a good right to these lands and grounds, and the buildings and improvements thereon; and that

the heir of M. H., after such purchases, and so long and quiet enjoyment of them under those purchases, ought not upon such a stale demand, without any possession or claim (for I look upon that pretended claim at Boston as idle and null), to recover any of the said lands or grounds or quitrents out of them.

2 *Query*. Whether the said purchasers and those deriving from them, having had so long and uninterrupted possession under a purchase from the natural owners, and with allowance and approbation of the said governments there, and after so many towns built, treasure spent, and several descents cast, have not an undoubted and unavoidable title to the said lands by them purchased and possessed?

I am of opinion that these purchasers, by virtue of their purchases and so long and uninterrupted possession under them, have an undoubted right and title to these grounds and lands, and the buildings and improvements of them, and ought not now, after so much money laid out upon them and such enjoyment of them, to be disturbed in their possession of them.

3 *Query*. Whether the heir of the said M. H., if he sues the said purchasers, ought not to sue them in New England, where the lands in controversy lie, &c.?

I think regularly by the rules of our laws, any action brought for these lands or grounds, and the houses and buildings on them, ought to be where the lands lie.

FR. PEMBERTON.

Indorsed, "Sir Francis Pemberton's opinion of the case of the purchasers and proprietors of Lands in Narraganset."

ANDREW HAMILTON TO FITZJOHN WINTHROP.

SIR, — I formerly acquainted you of my Lord of Aran's claim in Connecticut, and begged the favor that it might be notified to such as were principally concerned, which I hope was done, and that they have come to a resolution what offers to make. I now, sir, humbly desire that you would please transmit them to me to Boston, that I may carry them over by the first ships to my Lord. I should be extremely glad they were such as my Lord may think fitting to close with, and which the people would grant without a grudge. They would be taken under the care of a noble family, who in all times to come would be their patrons to protect them from injuries and to promote the peace and prosperity of the place.

I am, sir, your most obedient servant,

AND. HAMILTON.¹

RHODE ISLAND, 28th May, 1698.

 FITZJOHN WINTHROP TO ANDREW HAMILTON.

SIR, — I was very ambitious, after I left yourself at New York, to do my Lord Arran some particular service, by acquainting the General Assembly of this Government with the contents of your letter of the 5th of May; but upon my coming to Hartford I found the Court ready to adjourn, and it was impossible to continue their sitting, at that very busy time of the year, to have intercourse with the general proprietors so far distant within the

¹ The writer was probably the Colonel Andrew Hamilton who some years before had been Acting-Governor of East Jersey. See Broadhead's New York, II. 491, 512, 559, 561, 612. The letter has no address, but it was, without doubt, written to Fitzjohn Winthrop, who replied to it — or to a previous letter of similar import — in that which immediately follows. — Eds.

bounds of my Lord Arran's claim. But as to themselves (who have the rule and government of the country) do refer to a former answer, now in his Lordship's hands; and such proprietors as are near have expressed their resentment of the demand, as hard and never preceeded in any age; that, after above sixty years' peaceable possession, their purchase of the princes of the country, their confirmation and settlement by King Charles the Second, they should now become tenants and lose their property, — the reward of their travel into this wilderness, and for the expense of their blood and treasure. They suggest that many that have title to a thousand acres of land within my Lord's claim, have not ten acres which can be improved for grain, the rest miserable wilderness, mountains, and not to be cultivated by the most diligent husband. As to what you mention of my interest within the limits of the claim, I can only offer to you that it is a purchase and possession of more then sixty years; and I must also add, that I think the improvement of it has little more then balanced its many accidents and the charge laid out upon it. I would be very glad to serve my Lord Arran in anything I could, and my little interest should not stand in the way; but the demand concerns all the villages and particular planters within the bounds mentioned, which does extend itself into our neighbor governments, and so will need some longer time for their fitting answer. Every one, as you mention, should think it an honor to be under my Lord's patronage, and, indeed, no thing can be greater; but the people here, strangers to many customs and usages in England and Scotland, have a strange notion and fright of the word quitrent; and being the successors to the first planters, who so long time since ventured their lives and spent considerable estates for which they have yet no fitting compensation, do think it the hardest thing in the world to have any difficulty laid upon their lands, so

dearly purchased. Yourself knows very well the ways of improvement in this hard country, the difficulties they conflict with, and under what toil and unreasonable labor they advance their common subsistence; and besides that, how all mankind in this country think themselves happy in that one understanding, that they have a just and firm title to their lands by purchase from the natives, and supported by the King's gracious charter. Sir, yourself has been very just to my Lord Arran in asserting the interest he proposeth in this wilderness, and, having discharged that trust, it is hoped you will express a kindness for the poor planters, and lay before his Lordship their purchase and possession as arguments to encourage, not to distress them.

These country expressions are the sentiments of the poor people, and I must not alter their dialect. I pray you to set me right in my Lord's good opinion, to whose service I am greatly devoted, as having the honor to be known to him whilst I was in England. I hope to wait upon you before your voyage, and what I can know farther in this affair shall be communicated to you. I wish you happy and prosperous as yourself desires, and am,

Sir, your most humble servant.¹

NEW LONDON, June 9th, 1698.

Indorsed, "Copy to Colonel Hamilton about my Lord Arran's claim. June 9th, 1698."

¹ This is a rough draft or copy, without signature, of a letter evidently written by Fitzjohn Winthrop to Colonel Hamilton. Several letters in the Winthrop Papers, Part IV. pp. 350, 531, 537, confirm this opinion. Hamilton sailed from Boston home in the latter part of July of this year. There was a report that he had purchased the Earl of Arran's claim to lands in Connecticut. — Eds.

RHODE ISLAND'S ANSWER TO CONNECTICUT ABOUT
BOUNDARY.¹

By us whose names are hereunto subscribed, who are Commissioners for the Colony of Rhoad Island and Prouidence Plantations, as to treaty with the Commissioners for the Colony of Coneticott, as to boundaries between the said Colonies, make a return unto a writing termed, A Memorial given us, dated at Stoningtown, June 29th, 1698.

GENTLEMEN, — Whereas, by a letter from the Right Honorable the Lords Commissioners for Trade and Foreign Plantations, their Honors have and were pleased to recommend to our Colony, and endeavoring after and propagating an issue of those differences which yet remains between said Colonies, and that it might be effected by an amicable compliance, whose favorable manifestations therein we humbly accept, and with all readiness do thankfully acknowledge; and pursuant thereunto our Colony have taken that care and such measures that a meeting is propagated for that purpose between yourselves and us; and having had much debate of the matter with yourselves by a verbal discourse, and thereby could not find that you did propose anything that might be likely to effect that which we desire, and which yourselves did pretend to at our first coming together, viz. an amicable agreement whereby our Colonies might for the future correspond in love and peace; but perceiving that such way of debate seemed not to have its tendency to effect the matter premised, we rather inclined that what

¹ This is the original paper, in the handwriting of Weston Clarke. See further in relation to the subject of it in the Colonial Records of Connecticut, IV. 238, 243, 259, 271, 299, 363, 399; Records of the Colony of Rhode Island, III. 356. — Eds.

should further be said in that affair might be by writing given us; and having received some lines from you, the which we have perused, and find it to be much like the former discourses which you treated us with, you not coming to the matter of a line between the two Colonies, which is the great cause of difference between us, nor give us your opinions where the western bounds of our Colony is, that so things might be more plainly seen into, and the more plainly appear where the difference lieth by being brought into a narrow compass; but instead thereof you make claim unto our whole Colony, or at least all the main land thereof, which you claim, as you say, your most just right and due, of which you seem to propose to be willing for peace sake to make abatement; but how much thereof you will abate, that we understand not; for you are silent as unto that, and it seems if we in that should take up with you it would be but your benevolence to us, for you claim it as your own home to Pautucket Riuer, and so make void our charter. Also asserting that we have by means and ways, which you suppose not to be justifiable in the law, gotten into possession of a very considerable tract of land lying within the eastern bounds of the Colony of Coniticcott, between the said Narrogansett River and Bay and a river in the Pequott Country, commonly called Paucatuck Riuer, by all which you render our Colony only to be intruders by exercising jurisdiction anywhere upon the main; and yet seem to call upon us for propositions for agreement, when you make none yourselves. If you would have owned our charter, we might conclude you would then prescribe something of western bound, and so come to the matter where the difference lieth, and then might be some likelihood of compliance; but it not being owned by you that we have any western bounds, how can we expect any agreement for an issue to the premise?

Gentlemen, notwithstanding what you are pleased to

assert on the behalf of your own charter and as to the in-valuing of ours, yet we must tell you that we do account our charter to be of as good authority on the east side of Paucatuck Riuer, according as our charter expresseth, as Coniticcott charter is of the west side of said river.

Gentlemen, our desires have been for peace and agreement, and the same have been endeavored after by us; but if it shall not take place, we must cease, and be minding to make our return, according to our instructions, to our General Assembly, from whom we received our power.

Stonington, June 30th, 1698. By us, the Commissioners for the Colony of Rhoad Island and Prouidence Plantations.

JOHN GREENE.

NATH^{LL} CODDINGTON.

WES^T CLARKE.

THO: OLNEY.

Indorsed, "Commissioners of Rhoad Island, their answer to our memorial, June, '98."

RHODE ISLAND TO CONNECTICUT COMMISSIONERS,
ABOUT BOUNDARY.¹

To Samuel Mason, Daniell Witherill, James Noise, Gideon Saltingston, Esqrs., Commissioners for his Majesty's Colony of Conecticut.

GENTLEMEN, — Whereas you were pleased to present us with a paper signed by yourselves quite contrary to the power reposed in you by your commission, the copy thereof delivered us, signed by your Governor, the Honorable John Winthrop, which commission was only to

¹ This is the original paper, apparently in the hand of Nathaniel Coddington. — Eds.

treat about the proposing a way and means to end the difference between the Colonies concerning the boundaries, and our commission from our Governor, wherein we were fully empowered for the same end, the both being to give obedience to their Lordships' commands therein; and as we have here met on that end, and to debate that concern, so we have really attended the same, and what propositions we have made have been as near as may be to the settling the boundaries; but none made by you, but what is to swallowing up the whole Colony. We not being desirous to take upon us anything to disturb or disquiet any people under the government of his Majesty's authority of Rhoad Island and Providence Plantations, or to act anything beyond our power, so we admire that you should not be as cautious in what you present to us, which we find, on the contrary, being only to disquiet the people under this Government, if you can by any means so do, and to hinder the promoting the good and weal of his Majesty's people in this the Narraganset Country. We therefore say and answer thereto, that your brief is wholly with many words out and from that end you came or were empowered by commission. We therefore shall conclude to make a return of the brief presented us to his Majesty's Government of this Colony and the Assembly, that care may be taken to keep his Majesty's subjects in this Colony in order, according to our laws made for that end. And we readily comply with the propositions that his Excellency, the Earl of Ballamont, may have a hearing of the differences when it may be conveniently obtained, not doubting but we shall fully make appear our just claims of jurisdiction and government; and then, if no means be procured for a determination of the created difference between us, we shall readily make our application to his Majesty (and their Lordships from whom we have received our commands), not doubting but we shall be justified in all our just claims of jurisdiction and

government as we have already said. So we remain, your affectionate friends, chosen Commissioners for the Colony aforesaid.

JOHN GREENE, *Dep. Governor.*

NATH^{LL} CODDINGTON.

WEST^R CLARKE.

THO: OLNEY.

KINGS TOWNE, December 8, 1698.

DISCUSSION ABOUT BOUNDARY, CONTINUED.¹

GENTLEMEN: — Mr. Thomas Oney, Esqr., Major Tew, Capt. Arnold, Mr. Barton, Mr. Martingal, and Capt. William Champlin.

You propose to us for agreement to settle a line betwixt us, the Colony of Connecticut and Rhoad Island, that Paucatuck River should be the dividing line as far as Paucatuck River runs north, and then to run a north line to the Massachusetts south line. Only you will allow six miles east of Quinnebog River, if the north line comprehend any part of Quinnebog purchase, which you allow us according to the agreement betwixt the Governor John Winthrop and Mr. John Clark; yet you deny to give this under your hand, wherefore we write that we may be under no mistake in our report to our masters.

To which we reply, that the ground or foundation of your charter is an agreement with said Governor John Winthrop and Mr. John Clarke, which is, 1. that Paucatuck Riuer shall be the certain bounds, and mentions no north line; and therefore Paucatuck Riuer, the greater stream, is to be the bounds as far as that runs. 2. Provision

¹ This paper, with real signatures, is in the hand of James Noyes. It is printed, with some variations, in the Colonial Records of Rhode Island, III. 380, and also the answer thereto. — Eds.

is made, if any part of Quinnebog purchase fall in your claim, that, 3. the proprietors and inhabitants about Mr. Smith's trading-house, claimed and purchased by Major Atherton, Captain Hutchinson, Lieutenant Hudson, &c., have full liberty unto which of those Colonies they will belong.

4. That properties shall not be altered or destroyed, as it is more fully declared in the said agreement; which articles of agreement, if you will give under your hands to fulfil, we are readily disposed to an amicable agreement.

SAMUELL MASON.

DANIELL WITHERELL.

JAMES NOYES.

At Mr. John Eldrets, November 9th, 1699.

Indorsed, "The Commissioners of Conecticut and Rhode Island, their proposals and answers. November 9th, 1699."

WARRANT TO JOSEPH CRANDALL TO ARREST DISTURBERS
OF THE PEACE.

To JOSEPH CRANDALL, especial Constable appointed for
this present expedition, Greeting.

Whereas¹ hath been made unto me, Samuel Cranston, Governor of his Majesty's Colony of Rhoad Island and Prouidence Plantations, &c., by Captain William Champlin and Mr. Joseph Clarke, of Westerly, Justices within said Colony, that they have met with some obstruction in the town meeting by several persons of said town remonstrating under their hands against the choosing of rate makers, (according to an Assembly's act, at Warwick, October 25, 1699,) as will more at large appear under the hands of the said persons, viz. James Pendelton, Joseph

¹ Noyes, who copied this warrant, omitted the word "complaint." See p. 203, line 18 from bottom. — Eds.

Pemberton, George Denison, Joseph Stanton, John Lewis, Daniell Crumb, Jn^o Babcock, Joseph Pendelton, Edward Bliuing, Roger Larkin, James Lewis, Israel Lewis, and Joseph Babcock, Edward Wilkocks, the which act of theirs doth tend to the subversion of his Majesty's authority, established in this Colony under the great seal of England, and is a high contempt against the same. These are, therefore, in the name of his Majesty William the Third, King of England, Scotland, France, and Ireland, and the dominions and territories thereunto belonging, to apprehend the persons of the aforesaid James Pendleton, Joseph Pemberton, George Denison, Joseph Stanton, Jn^o Lewis, Daniel Crumb, Jn^o Babcock, Joseph Pendelton, Edward Bliuin, Roger Larkin, James Lewis, Israel Lewis, Joseph Babcock, and Edward Wilcoks, and bring them before me, that they may be proceeded with according to their demerits. And you are hereby authorized and empowered to take sufficient aid, and all or any of his Majesty's loving subjects within this Colony are hereby required to be aiding and assisting to you in the execution of your said office, if thereunto commanded by you, as occasion shall require. Hereof you are not to fail, as you'll answer the contrary.

Given under my hand and seal in Newport, this second day of December, and in the eleventh year of his Majesty's reign over England, &c., Annoq. Domini 1699.

SAMUELL CRANSTON.

Vera copia, attests JOSEPH Z CRANDAL's marke, Constable constituted for the same.

A true copy, compared with an attested copy by JAMES NOYES.

JAMES NOYES TO GURDON SALTONSTALL.

These for the Reverend Mr. Saltonstall at New London, dd.

STONNINGT. December 18, '99, Monday night.

REVEREND SIR, — After the tenders of my service to yourself and the honored Governor to whom I write by you. Just now Mr. Jā. Babcock informs me Mr. Joseph Pemberton, Jno. Lewis, Edward Wilcocks, Jo. Babcock, are carried away to Rhoad Island by Joseph Crandal, Captain Champlin also in company, John Clark, William Champlin, Jo. Johnson, also Jno. Maxon assisted in the first seizure, we suppose, but are not certain. Said Babcock persuaded the prisoners to go back, there being several friends with said Babcock; but he could not persuade them to go back, although our friends were very much too many and strong for the other. An attested copy of the instrument I have sent, but I believe the word "complaint" was omitted in the copy. I wish the prisoners had not gone; for I fear they will because they must conquer them now they have them, or their case falls to the ground. But they are stiff blades that are gone, especially Jno. Lewis. Let them do what they will with the prisoners, the way to strengthen the remainder would be as speedily and cunningly as we can to take off Jo. Crandal, and Maxon, and John Clark, and bring them under bonds to our Colony, as to make a plaster for the sore which may possibly be made at R. Island, for I fear they may weary them out to give bonds to pay, &c.

If we can adventure to do to purpose, to strengthen and rescue and defend our friends, Deacon Palmer, who is prudent, had need be sent to, that he act as need require, employing Nath. Cheesbrough, or Robert Denison, or some suitable man, as constable pro tempore, taking aid and taking of the heads, and giving them quitt for quo.

Or I propose to have Mr. George Denison empowered as constable for the families on this side Paucatuck to keep the King's peace in behalf of Connecticut as to persons and estates; and this day he says he will warrant to overdo any that shall disturb in the behalf of Rhoad Island, he having so many rugged, resolute fellows on his side against the Island as to pay anything, viz. John Alcraft, Josshua Holms, three Randals, G. Birch, &c., and he hath two sons, men's fellows, and John Renols. And Mr. James Babcock, made constable to keep the peace for Connecticut on the east of Paucatuck River, and he thinks such as refuse to pay are two thirds. As we told you before, if this may be done Rhoad Island interest must fall.

About Friday next, or rather next Monday, it will be a suitable time to find a sheriff, or make a deputy sheriff; and a man or two with him, and all the friends at Squanmacut, or enough to rule the rest and help to seize the persons mentioned, will meet at the Weirs, and then the case will hopefully issue well. If we do nothing, I doubt they will with their presumptions crush such as are our friends. I must not add but hearty acknowledgment of your [*torn*] kindnesses, and am your servant,

JAMES NOYES.¹

I sent Mr. George Denison to Capt. Mason this night to discourse him, and he very well approves of a Constable to be made on the west of Paucatuck River; but he discoursed not of the east. It was not then in my thoughts.

J. N.

Indorsed, "Mr. Noyes to Mr. Saltonstall about Narogansett lands. Dec. 18th, 1699."

¹ The writer was a distinguished clergyman of Stonington for many years. See Allen's Biographical Dict. and Savage's Genealogical Dict. — Eds.

CONNECTICUT ORDER TO ARREST RHODE ISLAND TAX-
GATHERERS.

AT a meeting of the Governor and Council, in N. L:
Dec. 25, '99.

Present :

THE HONORABLE GOVERNOR.

CAPT. SAMUEL MASON, Esq.

CAPT. DANIEL WITHERELL, Esq.

MR. RICH. CHRISTOPHERS, } *Justices.*

MR. NEHEMIAH SMITH, }

Ordered, that, if any person whatsoever, under color of an order from the government of Rhoad Island, shall presume to distrain for any rate or rates upon any man's person or estate, in inhabiting on the east side Pawcatuck River within the ancient bounds of Stoningtown and the parts of the Narraganset next adjoining, that Capt. Samuel Mason, Esq. shall depute a deputy sheriff, and give full power to seize and secure any such person, and all such as shall be aiding or assisting to him therein, and bring them before some of his Majesty's authority within this Colony, that they may be dealt with all according to law.

Entered in the Council Book per

RICHARD CHRISTOPHERS, *Councill Clark.*

A copy compared. Attest,

SAMUELL MASON,

DANIELL WETHERELL, *Assistant.*

Indorsed, "Copy of an order of Council to Capt. Mason to depute a Deputy Sheriff within the ancient bounds of Stonington, and the parts of Naroganset adjoining. Dec. 25th, 1699."

NENEGRATE'S PETITION.

To the Honored General Assembly sitting at Warrwick, 10th inst., and for her Majesty's Colony of Rhode Island and Providence Plantations, the last Wednesday in October, 1705.

THE exhibition and petition of Nenegrata, Sachem, heir and successor of Nenegrata, one of the chief sachems of Narraganset Country, humbly sheweth, —

That whereas I understand that my predecessor, Nenegrata, with some other sachems, did mortgage a parcel of land in the Narragansett Country to Major Humphry Atherton and his associates for a considerable quantity of wampum pegue, as by the deed bearing date the 13th day of October, 1660, will appear, which said pegue, as they say, remains yet unpaid; whereupon they claim the land, which hath caused much trouble in this Colony, and for as much as I am the true and undoubted heir of that great sachem, Nenegrata, who ever stood as well as myself in true fidelity and allegiance to the Crown of England ever since our submission to his Royal Majesty, King Charles the Second of blessed memory, which sacred King was graciously pleased to take us into his royal grace and favor as his loving subjects, a token whereof I have here to show to this Honored Assembly, if they see cause. And inasmuch as I am informed by Englishmen learned in the law that the heir hath power to redeem the lands mortgaged by his ancestor at any time, he paying the principal and the lawful interest thereupon accruing, I being heir as aforesaid, and in true allegiance to her Majesty, hope that I may have the privilege, as other of her Majesty's liege subjects ought to have. Wherefore my humble request is that you would be pleased to countenance and give allowance to me, and I will pay that principal money of the abovesaid mort-

gage, if any there be due, with the lawful interest there-upon accruing, and the land shall be at this Colony's service for them to purchase; and I will grant them deeds at such reasonable rate as the Colony shall think most expedient in their wisdom for raising the aforesaid money and interest. And for those persons that are settled already on the land without the Colony's order, I will grant deeds by the Colony's order, and they shall pay towards the said money as shall be thought fit by the Colony; and for the remaining part of land which will fall to me after the money is paid, I do promise not to withhold, but will sell it to the freemen of this Colony, and to no other persons, as reasonably as can be always provided. And it is my real intent and meaning not to infringe upon any purchase or upon any of the lands granted by the Colony, but only of that land undisposed of by the Colony which is contained in the abovesaid mortgage deed.

All which is humbly submitted to your Honors, by yours to command,

NENEGRAT, *Sachem*.¹

Indorsed, "Copy of what said to be Nenegrat petition."

QUESTIONS TO ASK NINEGRATE ABOUT LANDS.

SIR, — upon the Questions to aske Nenegrat may be as much as cann be remembered on Ninegrates Complaints to his hono^r the Gou^r formerly of wrong done him by many in the Colony for when he Complained twice about Westerly mens takeing away his lands he then did say that he had Complained to Go^r Winthrop about now

¹ If this petition was presented to the Rhode Island Assembly, as stated, no record was made of it. — Eds.

the Lands the tooke from him was lands ordered him on agreement by the morgage men his first Complaint was about 8 years a goe and the 2^d was about four year a go wherein he alwayes laid the stress of his Complaint on Capt Wm. Champlin of Westerly to be the principle man & the old Indian the Interpreter Cann evid^{es} the same which please to examine strictly into that Concern of their takeing and setling such land^s and abuseing him on his Complaints to the Gov^r and assembly both times

2. pray examine who put it into his head to petition the assembly siting at Warwick in October last telling him that he was heir of all the Narraganset Country, and whither the promised him an Reward in saying as the would haue him

3. whither any person on the acco^{tt} of the Morgage ever tooke away any lands he was Settled on and whither Capt. Wm. Champlin and others did not after the had taken and setled his lands Infuse seuer^{ll} storryes into his head as If some were intending to take away his lands when they had done it before so to hid their own actions

4. what land he understood was his fathers and whither he knowes what land his father had, but by the Information of Champlin &c of late since the would agree with him to confirme them lands to them that before the took away from him

5. whither all the people that are settled mostly on the Morgage Lands and All sorts are not such as some haue been with him to git Confirmation deeds of him for the lands the haue taken up and whither Joseph Hull and Wm. Champlin and some other did not tell him that he must giue them Confirmation deeds and that what was so mentiond in his petition to the Assembly which he knew not nor was the petition his but as the told him what he must spake to as the put in the petition

6. who Choose him (them men) as the Call themselves his attorney to act for him whither he nominated any of

them or whither some others did not nominate them and order him to allow them

7. whither there be not a great many persons as some scores or a 100 or more that are Joined on said Concernes of the Narragans^t Lands morgaged by the other Sachems to Maj^r Atherton &c and whither he knowes that any of the Sachems was of any kind to him or so discoursed of to be a kind to him but note of late which they people tell him of

and on what other queryes you please onely one thing more

whither he hath giuen any deeds to any persons and whither them that he hath giuen deeds hath not taken and settled the Lands before he gaue the deeds

and what lands he hath promised to the men as is to assis^t him what share of the Country and what lands haue he giuen them a grant on allready to goe on said concern and whither some haue not any possession of any of the land he claimes to carry on their designe¹

Indorsed, "Queries."

¹ This paper, which bears no date or signature, evidently was called out by the foregoing petition of Ninegrate. It may be a first draft. It was written by a very illiterate hand, and it seems hazardous to meddle with its orthography or punctuation. We therefore print the paper *verbatim et literatim*, and leave it to the reader to make out its meaning. — Eds.

LETTERS

OF

WILLIAM SAMUEL JOHNSON

TO THE

GOVERNORS OF CONNECTICUT.

LETTERS.

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

To the Honorable William Pitkin, Esq., Governor of the Colony of Connecticut, Hartford.

SANDY HOOK, December 24th, 1766.

SIR, — I have the pleasure now to write to you from on board the packet, under a fair gale, just putting out to sea, and in a few hours I hope to be out of sight of land, and in about a month's time to write you again from Falmouth. I have the satisfaction to find I am on board a good ship, with a worthy captain and several agreeable passengers, Colonel Maxwell, Captain Ross, the Honorable Mr. Ramsey, &c. While I was in New York I waited several times upon Judge Smith, who was pleased to confer very freely with me upon the Mohegan Case,¹ has furnished me with some valuable papers, and kindly recommended both me and the cause to Mr. Debert, his correspondent in England. I have also obtained letters of recommendation to Colonel Barre, General Monkton, Sir Henry Seaton, and other considerable people in England, whose interest and influence I hope to avail myself of in the conduct of the case. Nothing, I assure you, shall be omitted on my part to bring it to a happy issue, if God gives me a safe arrival in England. I have the honor to be, with the greatest regard,

Your Honor's most obedient, humble servant,

WM SAM^{LL} JOHNSON.

¹ See page 222, note. — EDS.

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, February 12, 1767.

SIR,—I arrived at Falmouth the 30th of January, after a very boisterous and disagreeable passage. The severe eastwardly weather which they have had in England met us at sea, and obliged us to lie to near a fortnight, which rendered our voyage much longer than might have been expected at this season of the year. As there was no ship like to sail from that port sooner than this packet, I thought it needless to trouble you with a letter from thence; but came on to London with all the despatch that the badness of the roads (which, it seems, have been much affected by the severe frosts and snow which they had here in January) would admit of, and happily found myself in season to prepare and solicit the important affair with which I am charged. Mr. Jackson received me in a very friendly manner, and seems perfectly well disposed to co-operate with me in making the best we can of our cause.

Lord Northington, President of the Council, is, it seems, at present unwell, has done no business for some time, and, it is thought, will not soon be in a condition to resume it. Indeed, Mr. Jackson seems rather to wish he may never be concerned in the decision of this case, as he imagines, from his temper and turn of mind with respect to the Colonies, he is in danger of being rather against us than for us. Mr. Jackson acquaints me that he has very lately wrote you so largely upon the present state of the case that it is unnecessary for me to add anything upon that head. The proposal for an accommodation, which he has stated to you, has not yet been made in form, and if it had, we have certainly no power to treat upon a matter of that kind; and it is also, I believe,

at present very uncertain whether the government will make any grant of the lands upon the Ohio which may lay a foundation for any such agreement; so that no ideas of this nature will by any means divert our attention from making the most effectual preparation for a public discussion of the case. I find with the greatest pleasure that we may, as the case is now circumstanced, have the full advantage of the arguments from the invaluable and essential right of the tenants in possession to have their title to the lands tried by a jury, and from the length of time since the appeal was entered. These will be introduced in the previous question, whether at this time of day, after so long an acquiescence under the decree in favor of the Colony, and under the present circumstances, they shall be admitted to revive the cause; upon which points, if we have justice done us, I apprehend we cannot but prevail. A brief is preparing upon these points, and will be finished in a few days; though it is not expected that Sir Fletcher Norton (who, by the way, is I find our only counsel, except Mr. Jackson, in the case) will be at leisure to attend to it fully till the London and Middlesex sittings are over, when, without fail, he shall be made perfectly acquainted with the whole matter.

As I have been so few days in London, you will not imagine that I can write you with any precision upon the political news of this country, which seems to be as vague and indeterminate here as in America. I can therefore only give you, as it is called, the news of the day. It is said the complexion of the Ministry and of Parliament seems rather unfavorable to the Colonies; and it is imagined that new plans are meditating with respect to them, but what they are does not appear. Mr. Townsend, Chancellor of the Exchequer, a few days past, upon an accidental mention of America, said in the House, "I do not know any distinction between internal and external taxes; it is a distinction without a difference, it is perfect

nonsense; if we have a right to impose one, we have the other;" and, looking up, added with emotion, "I speak this aloud, that all you who are in the galleries may hear me." Mr. Greenville omits no opportunity to insist upon the ill policy of repealing the Stamp Act; he was upon it yesterday in the House, where I heard another gentleman too, from whom I did not expect it, who was last year connected with the Ministry, and consequently voted for it, in declaiming against Lord Chatham, with great warmth, mention this as an instance of his profusion of the public treasure, and disregard to the means necessary to increase the revenue. It is certain Lord Shelburne, who has the principal management of American affairs, is very much disgusted at New York for refusing to billet the troops, pursuant to the act of Parliament for that purpose. Ill and groundless reports have been circulated, as though the Colonies were even yet in a state of tumult and confusion (or, as some of them are pleased to term it, rebellion), and scarce an hour has passed since I have been here in which I have not been questioned upon these subjects. A new duty, it is said, will be laid upon tea and China ware, and the drawback upon exportation increased, to induce us to leave smuggling it from Holland, and consume none but what we have from this country. The act of last sessions, so far as it relates to our exporting flaxseed, &c. directly to Ireland, will undoubtedly be repealed; but it was not, I find, by mistake, as we charitably hoped, that it was pen'd so generally. Troops are going out to America, but whether to execute new designs with respect to us, or to relieve those who are there, does not yet appear. The great affair of the East India Company is to come on next week, which, as it is a question arising upon a charter, may perhaps be interesting even to us. Lord Chatham is not yet come to town from Bath, but is hourly expected, when it is imagined all will open that is intended for this session. I shall be

as assiduous as I can in tracing out the designs on foot, and communicate everything that may seem worthy your attention, and in the mean time remain, with the greatest regard,

Your Honor's most obedient, humble servant,

WM SAM^{LL} JOHNSON.

P. S. Please to direct for me at Mrs. Wilson's, in Lancaster Court, near St. Martin's Church, in the Strand, London.

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, March 19, 1767.

SIR, — Such has been the confusion amongst the Ministers in this country, and so great the uncertainty with respect to all public measures since I came here, that I have been in fear to write you at all upon public affairs, lest I should mislead, and give wrong notions; or lest, if I should give you the best intelligence that could be collected in the morning, the whole face of things should be changed before evening, and it would become necessary to contradict one day what I had wrote you on the other. Either the designs of government and their system is too complex, deep, and close to be discovered, not by my very weak and feeble penetration only, but by the whole body (and they are certainly a very numerous and respectable one) of those who are endeavoring, not only to discover, but many of them to counteract them too; or else they have very little design, and act without a plan, and only from the varying appearances as they arise. I wish it were the first, as I should then hope that something truly great and excellent would by and by appear; but I confess I fear it is rather the latter, and that it is

therefore altogether in vain to attempt to determine what will or will not be done with regard either to the affairs of this country or of America. At present, all attention is engaged by the altercations upon the subject of the immense acquisitions of the East India Company; whether they belong to the government, or to the Company, or to both; and how they shall be divided and regulated; which are truly intricate and important questions, equally interesting and uncertain in their issue. As soon as this is over, it is said, the Parliament will enter upon American affairs; and the objects held out to view are the new duties upon tea and China ware, (which I mentioned to you in my letter of the 12th of February,) the petition of the New York merchants relative to trade, and the refusal of that province to billet the troops, though I wish something else may still divert them; for the less they think, or we give them occasion to think of us, I imagine the better for us. Sometimes I have been flattered with an opinion that they will do nothing this sessions relative to America; and again I have been alarmed with assurances that something very striking certainly must and will be done, and that the anxious spirits of this country can no longer brook the impositions upon them, without some similar impositions upon America. This is owing, I am sensible, to the different company I converse with (and I choose to mix with some of both kinds). Those who are friends to America, and wish to have us in some sense forgot, flatter themselves and me that nothing disagreeable to us will take place; on the contrary, those who wish to see us burdened and humbled insist in all companies that it will be done, and that this country can bear no longer delay. Which conjecture most accurately, a little time will discover; the latter, however, I imagine, speak not what they have any real assurances of, but rather what they hope, and which I wish may be as the hope of the hypocrite.

I have been very solicitous to know what was the destination of the troops, going or gone out to America; and from all quarters, and in such a manner as I trust I may depend upon it, am assured that they are only to relieve a like number who are to return from thence; and that no new plan is yet adopted for them, nor their numbers to be increased.

New York and the Colonies from thence southward have, I find, instructed their agents to endeavor to obtain a repeal of the late act of Parliament, relative to their paper currency, prohibiting them from making it a tender in payment of private debts, &c.; and they are making all the interest they can to obtain such repeal, and flatter themselves with some prospect of success. If they succeed, it will, no doubt, pave the way for the Northern Colonies to apply (if they please) that they may be put upon the same footing, and have like indulgence with their neighbors. If they do not, it seems very evident that any attempt on our part for a repeal or alteration of the act peculiar to the New England Governments would be quite fruitless. At present, therefore, I do not see that it is necessary for us to interest ourselves immediately in the affair, especially as the Northern Colonies ought, in such case, to be united, and I do not find that any of their agents have received instructions upon this head.

There is another affair, however, to which I thought it my duty to be as attentive as possible; viz. the interruption last year given by Commodore Paliser to the North America fishery. He founded, it seems, his very extraordinary behavior upon a rigorous construction of the statutes relating to the Newfoundland fishery; and upon a pretence that, under color of the fishery, the North Americans were managing an extensive contraband trade with the French, at the islands of Miquillon and St. Pierre, which, I believe, is without any manner of foundation. I cannot find, however, that he is countenanced in these

things by government, though they do not choose to pass any censure upon his conduct, but leave those who have been injured to their remedy against him at law, which they are undoubtedly entitled to; but to prevent anything of the kind for the future, Mr. Jackson (who is very attentive to American affairs), Mr. De Bert, and some others, have been laboring to obtain, and were encouraged to hope that an act of Parliament should pass the sessions to explain those statutes, and place the fishery upon an equal and fair footing. But at present the Ministry do not think proper to undertake that any act shall pass this session; but promise, at least, that Paliser shall receive (when he goes out again this spring) very positive instructions not to impede or prejudice the New England fishery; which, I hope, will prevent any farther complaints from that quarter, and leave our people to make the most they can of that valuable branch of business. Or should they, contrary to expectation, be again interrupted, I am persuaded that, upon proper representations, effectual measures will be taken to prevent any future difficulty.

There is also another design on foot, in which I do not apprehend that we have much concern, though I think it might as well be omitted; which is to establish a board of Commissioners of the Customs in America, in lieu of the present Surveyors-General. It is said that such board will be more eligible to the people, as they will be less despotic than a single officer; and that the Crown will be better served by a number of gentlemen, who will be in effect checks upon each other, as well as add weight and dignity to the whole system relative to the customs. On the other hand, I think it may be said that it will be at least a needless establishment of a set of great officers with large salaries, who will necessarily have a set of dependents upon them in several subaltern stations; for whose support the revenue now usually collected will be expended to the prejudice of the Crown, or the trade

must be charged with fresh burdens to make good the deficiency, either of which will be mischievous; yet it is a favorite idea of at least one minister, though uncertain whether it will take place at present.

We are yet in some uncertainty when the Mohegan Case will be heard, as when I wrote you last. Lord Northington is sometimes better and sometimes worse, but most generally has ill health, and does no business of this kind, and very little of any other. Mason, though extremely confident of a determination in his favor, yet seems willing to accommodate (upon the plan which Mr. Jackson has communicated to you), if a grant of lands can be obtained upon the Ohio; in which General Lyman is greatly encouraged that he shall succeed. I have told Mr. Mason that whatever probability there may be of obtaining such grant, or however reasonable it may appear to treat of such an accommodation, yet he must be sensible that we have no authority from the Colony to enter into a negotiation of this nature; that therefore, whenever he thinks proper to make a proposal of this kind in form, it shall be immediately communicated to the government, and proper instructions requested thereupon. On his part, I see an uncertainty with regard to the grant, which must be the basis of the proposal, and an unwillingness to make a formal offer to compound, lest it should seem to imply a diffidence of his cause, of which he would appear (and I believe really is, though I hope without just grounds) very confident. In this uncertain situation, it seems very obviously our duty to lose no opportunity for a trial in expectation of an agreement; but to bring the affair as soon as possible to a public decision. And in this intention, I remain, with the greatest respect,

Your Honor's most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

Indorsed, "Received May, 1767."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

LONDON, April 11, 1767.

SIR, — It does not yet appear when our case with Mason will be brought to trial.¹ Lord President is indeed so well as to be able to go abroad, and has appeared several times in the House of Lords, but does not think his health sufficiently firm to attend the trial of the causes which lie before him ; we are, however, in hopes, as he is recovering, that it will not be long before he will be able to sit for the despatch of business. In this interval, as I have already mentioned to you, the necessary preparations have been making, that we may be ready at the shortest warning. Sir Fletcher Norton has been made acquainted with the cause. He is, I find, a gentleman of strong natural powers, thinks clearly, and has a great extent of legal knowledge, and, though not the most graceful speaker, expresses himself with great propriety, and in a nervous masculine style. He is generally esteemed one of the first counsel at the bar, and has peculiar influence with Lord Mansfield, which, as well as some other circumstances, makes us rather wish that nobleman might have the decision of our case, which he might indeed now take up if he pleased, but (as they have not the best affection

¹ The "Mohegan Case," referred to in the first of this series of letters, and now at this place, was a long-continued claim of the remnant of the Mohegan tribe of Indians in Connecticut to lands alleged to have been unjustly withheld from them by that Colony. The story is told by Trumbull, I. 410-413, 421-427, and by De Forest in his "History of the Indians of Connecticut," pp. 309 *et seq.* See also a book known as the "Mohegan Case," being a "Certified Copy of Book of Proceedings before Commissioners of Review, 1743." It was published in London in 1769, just before the final hearing. There had been several appeals to the Crown, by both parties, from decisions made during a period of nearly seventy years, and hearings thereupon. Mason, a descendant of the old Pequot warrior, appeared in behalf of the Indians, and Johnson was sent over to appear for the Colony. The case was finally decided, in 1771, in favor of the Colony. See Palfrey, IV. 364-366. — EDS.

for each other) he will absolutely meddle with nothing at the cockpit while Lord Northington is President of the Council. Sir Fletcher is clearly of opinion that the original commission to Governor Dudley was totally illegal, and that the subsequent ones have been but a repetition of the same error, and an infringement of the rights of the Colony, who are vested with sufficient powers to try all causes, at least in the first instance, as well between Indians (inhabiting the Colony) and the English, as between Englishman and Englishman; and that the cause could never have regularly come here but after a decision first had in the ordinary courts of the Colony. He thinks, too, that the length of time elapsed after entering the appeal, and the extraordinary nature and conduct of the case, were reasons abundantly sufficient for a total dismissal of the cause, and that the last order for summoning the tertendants, and reviving the cause even conditionally, should by no means have been made. He doubts of the propriety of the Colony's objecting at this time of day to the legality of the latter commissions, because the second was issued upon their petition by Sir H. Ashurst against Dudley's judgment, and they submitted to a trial under that, as well as the last. But he admits that in the name of the tenants in possession, at least, we may object against the legality of the last order, as well as of the commissions, and to all the proceedings as irregular, and upon the whole gives us good encouragement to hope for a favorable issue of the affair, though he says at the same time, very justly, that whatever depends upon the judgment of other men, and those too who perhaps will be induced to give but a small share of attention to so complex a subject, must after all be in a considerable degree precarious and uncertain. And that he may be fully prepared upon the merits, as well as upon these previous questions, he has assured me that he will take the book (or whole record of the case) down

into the country with him, and make himself master of it in the approaching holidays, during which there will be a recess from public business, and he will have leisure to give a cool attention to the subject.

These consultations and preparations, I find, are already very expensive, and the trial whenever it comes on will be greatly so. You will therefore pardon me for taking the liberty to suggest my fears that (should the whole sum be drawn for that was last ordered) the money left in Mr. Jackson's hands, being subject to his and Mr. Life's salaries and my expenses, as well as the expenses of the suit, will not be sufficient for all these purposes. I have not, however, the least doubt but these things will be duly considered, and proper steps taken to support the cause with reputation.

Nothing very material has actually taken place, either with respect to this country or America, since I had the honor to write you of the 19th of March, though much is talked of. The East India affair is not yet over, and the House of Commons are constantly employed in examining into it. The House of Lords about ten days ago took up American affairs, and spent two afternoons upon them in a very general manner, declaiming upon the supposed ingratitude of the Colonies, and that spirit of disregard to this country, and the views of independence which (founding themselves chiefly upon the conduct of New York in refusing to billet the troops, and of the Massachusetts Bay in their disputes with their Governor) they mistakenly imagine have taken place there. Variety of measures, and some severe ones, were by the different speakers mentioned as expedient to be gone into for the better regulation of the Colonies and to reduce them to order; but nothing was directly insisted upon, because the Ministry said they had a plan in intention which in due time they would propose.

Yesterday the Lords in opposition fell upon the late

Act of General Pardon and Indemnity which the Massachusetts Assembly tacked to their act for granting compensation to the sufferers in the riots, which they represented and declaimed upon as an insult upon Parliament and a high encroachment upon the King's prerogative, founding themselves upon this general principle, that the King alone can grant a pardon, and that even Parliament can pass no act of that kind but what is originated by the Crown, and in the very language and extent proposed by the King. The Duke of B——d therefore moved that an humble address should be presented to his Majesty, that he would be graciously pleased to take into consideration that part of the said Massachusetts act which imported 'to be a general pardon, &c., and upon its appearing to be null and void, that the same should be in the most effectual manner declared to be of no force or effect, &c., &c. This motion was with great vigor supported by Lords M—sf—d, T——e, S——k, T—s—d, T——t, &c., &c.; and as warmly opposed by the Lord Chancellor, Lord President, Duke of G——n, Lord S—b—e,¹ and the friends of the Administration; not by vindicating the act, for it was treated with the greatest indignity by every lord that spoke, as wrong in its principle and very exceptionable in its form; but such address was considered by the Administration as needless, because the act might, and they said certainly would, be disannulled by the King in Council, to whom in course of office it properly belonged to vacate any improper act passed in the Plantations; and they insisted that the address would carry with it an implied censure upon the Administration, (as it was certainly intended it should,) as being inattentive to so important a subject, and so negligent of their duty

¹ Lords Mansfield, Temple, Suffolk, Townshend, Talbot, the Duke of Grafton, and Lord Shelburne. — Eds.

as to demand the interposition of Parliament. The Duke of G——n therefore moved for the previous question, and, after about six hours' warm debate, it was carried by the Administration upon a division, 63 against 36, and the act left to the decision of the King in Council, for which purpose it is now before the Attorney and Solicitor General. In the course of this debate, it being said by one of the Administration, "Perhaps we had as good look into the Massachusetts Charter before we come to a resolution," Lord T——ns—d said in answer, "Can anybody doubt whether we now understand the American charters after having studied them all last winter? No! Let us deliberate no longer. Let us come to firm resolutions, and act with vigor in consequence of them, now, while we can call the Colonies ours and have it in our power to secure them to this country. If you do not, they will very soon be left forever," &c. And Lord M——ns—d, in his reply, declared it as his opinion that there was no room to consult charters upon the subject, because this was a prerogative of the Crown, which the King could not grant away nor divest himself of, even by the most express words. I was chagrined upon both these occasions to observe so much warmth against the Colonies, but am satisfied it is in some degree owing to the spirit of party, and that, when they declaim against the Americans, they mean to attack the Administration as the supposed friends of the Colonies (from the part they took in the repeal of the Stamp Act) at least as much as they do the Colonies themselves. Very unhappy, however, it is for us, that maltreating us should subserve the purposes of opposition, and that we should become the object of party, since, if it produces no other ill effect (which is much to be feared), yet at least it certainly tends to alienate affection and instil principles most pernicious to both countries.

The House of Commons have appointed a future day to take into consideration the state of the Colonies, when

it is presumed the plan mentioned by the Ministry will be at least in part disclosed. I have very good intelligence that they would rather have avoided anything of the kind, and wish the behavior of New York and Massachusetts Bay had not given the opposition so much (at least seeming) weight against them, and laid them under a kind of necessity to produce some plan or other, and in some degree give up America to secure themselves; and though they have several schemes in idea, they are much in doubt what to fix upon. The real friends of the Colonies, and those whose more immediate concern it is, are using all their endeavors, and forming all the friendships they can, to avoid if possible any question upon the subject, and if that cannot be done, to moderate resentments and soften the measures as far as may be; and I am not without hopes that the remaining time of the session will be found too short to perfect even any plan at all. But I have taken the liberty in a former letter to tell you that party is so prevalent here, and everything so uncertain, that it is in vain to attempt conjectures, and I ought not therefore to trouble you with anything of that nature.

Lord Chatham continues yet very unwell, cannot appear in public, nor give much attention to business, which is a great misfortune to the Administration at least, if not to the public, as business proceeds but slowly, and they are subjected to so much censure that changes are every day talked of, and frequently very confidently expected. It was told me just now by a gentleman whose intelligence may be a good deal relied upon, that Lord C—th—m had repeatedly said, that if he recovered, and could not dismiss Secretary Conway and Lord Talbot, and bring the others joined with him into better order, he would quit the Administration and they might all go to — destruction together. But I am telling you trifles. Be it so; yet they are anecdotes of the times, and your candor will impute my mentioning them to a fond desire

to acquaint you with some things which may contribute to your amusement, as well as others of real utility, and in that light you will excuse it. I am, with the greatest respect,

Your Honor's most obedient humble servant,

WM SAM^{LL} JOHNSON.

P. S. Though with regard to myself I believe it perfectly needless, yet it may not perhaps be amiss to mention to you, that very great offence has been taken here at the frequent publication in America of extracts of letters from agents and others residing here, especially when they have taken the liberty to mention the names of great persons in or out of administration. This has not been often done in Connecticut, and I doubt not all proper prudence will be used with respect to everything of this kind.

Indorsed, "Received 11th June, 1767."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, May 16th, 1767.

SIR, — I have already acquainted you that the consideration of American affairs was by Parliament assigned for the first Thursday after the holidays, but for various reasons has been postponed to this time. During this interval various meetings and consultations have been had upon these matters, and the utmost pains taken by the friends of the Colonies to moderate the resentments unreasonably conceived against them, and to extinguish the jealousies which had arisen in the minds of many in power; which have so far had a happy effect as to dissuade the Ministry from at least one odious and disagree-

able measure which was upon the point of being adopted; viz. a duty upon salt, which was for some time strenuously insisted upon, but is now given up. Mr. Jackson has been very assiduous upon this occasion, and we are again beholden to the merchants, with Mr. Trecothick at their head, for their kind interposition in our behalf. The Chancellor of the Exchequer (who is at present in great estimation, is the principal manager in the House of Commons, and bids fair to conduct the counsels of the nation) declared at one of these meetings, that, although he did not in the least doubt the right of Parliament to tax the Colonies internally, and that he knew no difference between internal and external taxes, (which, by the way, is a doctrine very generally adopted here,) yet since the Americans were pleased to make that distinction he was willing to indulge them, and chose for that reason to confine himself to regulations of trade, by which a sufficient revenue might be raised in America. But upon being told that the army perhaps might with safety be withdrawn from America, in which case the expense would cease and there would be no farther occasion for a revenue, he refused to hear anything upon that subject, declaring peremptorily that the moment a resolution should be taken to withdraw the army from America he would resign his office and have no more to do in public affairs, insisting that it was absolutely necessary to keep up a large army, both there and here, to be prepared against the designs which he knew the enemies of this kingdom were meditating against it. "An American army, and consequently an American revenue, are," said he, "essentially necessary; but I am willing to have both in the manner most easy to the people, and will pursue the most moderate measures consistent with the attainment of these important objects." Amongst the other American papers which were laid before Parliament were the letters which passed to and from General Gage relative

to the billeting the troops in Connecticut. I was at first alarmed with some observations which were made upon the delay which happened in that case; but have the happiness to find that, upon considering the nature of our constitution, and the eventual compliance with the requisition, the Colony are justified, and no notice will be taken of it. The resentment against the Massachusetts Bay and New York still continued, and it was for some time a doubt which of those Provinces should be made the example of Parliamentary indignation; but finally it was concluded that, as the disobedience of New York was the most direct, they should be the first sacrifice, and the resolution was taken to divest them of their legislative powers until they should submit and provide for the troops agreeable to the late act. Thus the matter stood until it was opened in Parliament, and I am very unhappy that I cannot give you a particular account from my own knowledge of what passed in the House on Wednesday, when they at last entered upon this business, and sat till one o'clock the next morning; but although there had been an indulgence to strangers before that time, it was to our great surprise specially ordered upon this occasion that the agents of the Colonies should be excluded, and neither they nor the American merchants were allowed to be present at the debates. I can therefore only tell you what I can collect from those members who are of a communicative turn. The debate was opened (it is said with much candor) by the Chancellor of the Exchequer, who, after commenting upon the behavior of those Colonies who in his opinion had transgressed (amongst whom, however, he was so just as to exculpate Connecticut and Pennsylvania), upon the necessity they were under to do something to assert the sovereignty of Parliament, and the expediency of distinguishing the guilty from the innocent, to prevent its being a common cause, proposed the disfranchisement of New York, as

above mentioned ; the establishment of a board of Commissioners of Customs in America, the better to prevent smuggling ; taxes upon window-glass, paper, China ware, white-lead, and painters' colors ; upon wine, oil, and fruit from Portugal, with liberty to go directly from thence to the Plantations ; and that the Governor and Chief Justices in the King's governments should be rendered more independent by giving the first £2000 : 0 : and the latter £500 : 0 : per annum, to be paid out of the American revenue. The proposal with respect to New York was opposed by Secretary Conway, Mr. Dowdeswel, and Mr. Burke, and a provincial tax proposed in lieu of it. Mr. Greenville, on his part, concurred in the taxes mentioned by Charles Townsend, but opposed the permission to go directly from Portugal to America as inconsistent with the Act of Navigation, and as an additional resource proposed a general paper currency for the Colonies, to be issued on loan and the interest remitted here and applied to the increase of the American revenue. He opposed the measure for New York as too lenient and ineffectual, and advised that the treasurer of the Colony should be ordered to issue the money at the treasury, out of the first aids in his hands, and in case of refusal to be judged guilty of a premunire, triable and punishable in this country ; and because he said the disloyalty of the Colonies was general, as they persisted in the denial of the Parliamentary right of taxation, he offered to consideration a political test for America ; that all persons at their entering into office, and every member of council or assembly, before he should be allowed to sit and act, should subscribe a declaration nearly in the words of the late declaratory act of Parliament, acknowledging the sovereignty of this country and the Parliamentary power of legislation and taxation in America. These several points having been largely canvassed in a general manner, an amendment was proposed to Mr. Townsend's

resolution relative to New York, which upon a division, about one o'clock in the morning, was carried by Mr. Townsend almost two to one. The duty upon tea is postponed till the East India affair (which is yet in litigation) shall be settled. In the course of the debate, it is said, Mr. Yorke was particularly severe upon the Colonies, and it was observed by others and generally approved, that by repealing the Stamp Act they had already greatly weakened the authority of Parliament; that they must therefore repeal no more acts upon such pretences, but determine absolutely to vindicate and effectually support such measures as for the future they should think best to adopt. The resolution with respect to New York is designed as a specimen of their sovereignty, and she is to serve as an example to the other Colonies, who, they flatter themselves, will take no part in the controversy, as they are not immediately attacked. If she submits, say they, all will be well, the honor of Parliament will be vindicated, and the Mutiny Act will probably be suffered to expire silently by its own limitation, and be no more revived; if she continues to oppose, farther and more severe measures must be adopted. Sensible of the danger of involving all the Colonies in one common controversy, the present policy seems to be to attack them singly, as occasion may require, and by degrees reduce them all to that state of subordination and humble obedience which they very injudiciously seem to think necessary to their safety and happiness.

On Friday, the report of the committee upon the resolutions relative to New York being made to the House, Mr. Garth and Mr. Fuller moved to have them recommended, as not being well founded in fact, the disobedience of New York not being *direct*, as the resolution expresses it, but *constructive* only; and because the directions of the act had not been, as they thought, properly pursued by the Governor in his part of the conduct of the affair;

these objections were, however, but indifferently supported. Secretary Conway, Mr. Dowdeswell, &c., were for recommitting, in view, as they said, to contrive some measure, if possible, still more lenient, but equally effectual; all who spoke being agreed (except Mr. Beckford, whom nobody would mind) that it was become absolutely necessary to do something to assert and support the sovereignty of this country and the dignity of Parliament. Mr. Greenville and his party went into the same opinion, because the measure was not severe, or, as they would have it, effectual, nor general enough. This variety of opinions occasioned a long and warm debate, and it seemed for some time as if the resolution would be re-committed; but Mr. Townsend by his superior eloquence and influence at length brought them back to their first resolutions, and it was carried against the recommitment, without a division, about nine at night. Mr. Greenville then moved, as a foundation for his test, that the House would resolve generally that in many of the Colonies the sovereignty of this country and the Parliamentary rights of legislation and taxation were denied and oppugned; which he lost upon a division by a large majority. He then moved his test, which he had mentioned on Wednesday, which brought on a farther debate; but upon a division he had only 43 to 146. The principles upon which these two motions were opposed were their severity; and that the consequence of them would be a second union of the Colonies against this country, and the same inconveniences that had followed from the Stamp Act. After this Mr. G. said, since he found the House would not come into any effectual resolutions in support of their sovereignty, he hoped at least that they would take some notice of those who had endeavored to support it in America, and had suffered in consequence of their loyalty; and therefore moved that an humble address should be presented to his Majesty, that he would be

pleased to bestow some marks of his favor upon those Governors and officers who had suffered by their obedience to the acts of this legislature, &c., in which all parties joined him, and it was carried *nem. contr.* Finally he moved that the island of Barbadoes, who had distinguished themselves by their loyalty and had lately suffered by fire, should be distinguished by Parliament, and have something done for them to repair their late severe loss; which was opposed, as not peculiar to them, there having been other Colonies equally loyal, and as setting up odious distinctions amongst the Colonies, which might be productive of very mischievous effects, &c.; and was negatived without a division, after one o'clock this morning. This will serve to give you a general idea of what has passed here upon this occasion. Next week the other matters stated by the Chancellor of the Exchequer will probably be farther considered, and I shall continue to give you as I have opportunity the best account I can collect of the progress of these affairs, which may perhaps be of some use in conducting the counsels of the Colony, which it certainly behooves should at this critical conjuncture be guided with the greatest prudence, moderation, wisdom, and caution. I ought perhaps to mention, that I found means (though it is yet known to but one person here) to be present at the last debate. Whether I shall succeed in future is uncertain, but I shall certainly attempt it, though at the risk of being taken into custody. A change of ministry is still much talked of, and expected ere long to take place; but nothing is less to be depended upon than the conjectures and opinions upon this subject. Lord Chatham is quite disabled from doing business, and it is generally thought his understanding is much affected by his disorders.

Nothing new has occurred relative to the Mohegan Case. Lord Northington now and then appears in the House of Lords, but hears no causes.

The moment I am finishing this letter I am favored with yours of the 14th of February, and in answer beg leave to assure you that I shall, agreeably to your directions, be very attentive to whatever relates to the general interests of the Colony, as well as the particular affair I am charged with; and continually consult with Mr. Jackson,¹ as I have hitherto done.

There is no doubt, as you remark, that the charter of Connecticut has its enemies, both in its neighboring governments and here; but upon the most minute inquiry, I do not find that there is at present any design to attack that in particular, or to infringe in any respect upon the special privileges of the Colony. The danger seems to be, rather, that by general regulations the universal liberties of America may be endangered, and by degrees the charters and Assemblies in general, in effect and consequence, be superseded and rendered useless, rather than taken away or abolished. The sentiments of people in general are indeed unhappily very unfavorable to the Colonies. But (so far as one may be allowed to compare) Connecticut is at present rather a favorite Colony, and I flatter myself will meet with no particular marks of resentment. How long these favorable (or rather less unfavorable) sentiments will continue, it is impossible to foresee, for opinions here are very fluctuating and uncertain; but as it is my duty, so it will certainly be my particular pleasure, to cultivate and increase as far as possible the present good opinion of the Colony, and to place it upon every occasion in the most advantageous point of light that I can. With the greatest respect and esteem, I remain,

Your Honor's most obedient and very humble servant,

W^M SAM^{LL} JOHNSON.

Indorsed, "Received 27th of July."

¹ Richard Jackson, who was the Colony's resident agent. — Eds.

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, June 9th, 1767.

SIR, — The enclosed votes of the House of Commons, containing the resolutions with respect to the duties upon several articles imported into America, will show you all that has passed there, relating to the Colonies, since my last of the 16th of May. Those upon wine, oil, and fruit, which were proposed to be attended with an open trade to Portugal, the Ministry have given up, upon the principle that it would at present be dangerous to relax the Act of Navigation, the chief security of the supremacy of this country, while the Colonies were disputing and denying that very sovereignty which this act was principally intended to establish. It is also said that one gentleman objected to those duties because, with a permission to trade directly to Portugal, they would be agreeable to the Americans, and that they ought not at present to do anything that would please us. The affair of the paper currency, also, seems to be laid aside, at least for this session. Notwithstanding the duty upon tea, yet, as you see, all the present duties are to be taken off upon exportation (and to be made good to government by the East India Company). It must be much cheaper in America than it has usually been, and as there will be very little, if any, temptation to run it from Holland, &c., it is expected that America will in future be entirely supplied from hence, and the consumption be increased, so that the trade will be beneficial to the East India Company, and at the same time produce a very considerable revenue. How wise would it be in the Americans to substitute in lieu of this expensive exotic some of the more salutary herbs of their own country!

In the House of Lords there have been again two very

long debates upon the Massachusetts Act of Indemnity, and the pardon annexed to it. It had been set aside by the Privy Council, with a saving of any question which might arise with respect to its validity previous to this decision of the Council, and the right which any of the sufferers may have to retain the compensation they may have received by virtue of it. This did not satisfy the opposition, who wanted to have that part of it, at least, which related to the pardon, declared void *ab initio*. In view, therefore, obliquely to censure the Ministry, they moved first that the opinion of the judges should be asked upon this subject; and afterwards, with the like purpose, proposed an address to his Majesty founded upon their idea of the invalidity of the act. The first of these motions they lost by a majority of six, and the second only by three, including two princes of the blood; which they consider as a kind of victory, since no doubt these motions were made rather to try the strength of the Ministry in that House than from any real concern in what manner or in what terms the act should be disannulled. A few days since, intelligence arrived from Georgia that they had not only refused to provide for the troops, but also to submit to the Post-Office Act, which, it seems, has never been introduced into that Colony. This has filled the government here with fresh indignation, and is spoken of as unexampled insolence in a Colony which has been, at a very great expense, settled and supported by the Crown. No resolutions have been taken in consequence of this advice, nor can I yet learn what is intended; perhaps they will choose to try first the effect of the measure with respect to New York.

Though they wish to keep the Colonies disunited, yet they seem too ready to impute to *all* the transgressions of any one of them, and consider them as all alike disaffected to this country, and seeking an entire independency upon all Parliamentary restraint or authority. They

are, therefore, all obnoxious enough at present, though I believe Connecticut as little so as any one of them. America has few friends, and those we have are prevented from doing us the service they would by the violence of our enemies and the unhappy success they have had in rendering it unpopular to appear as an advocate for the Colonies.

The friends of the Ministry say they wished to have done nothing with regard to America; but that the imprudences of that country since the repeal of the Stamp Act had given their enemies so much advantage against them, that they found it absolutely necessary to do something in order to secure themselves and keep peace here; that the measures which have been adopted (particularly that with respect to New York) were the most lenient they could devise; and that, whatever seems disagreeable to the Colonies, they must now blame themselves for, as being the necessary consequence of their own indelicacy with respect to the dignity of this country and the authority of Parliament, which they are indispensably obliged to vindicate. It is already the usual time for Parliament to rise, but it is said they will sit at least three weeks longer. I own I wish to see an end of the session, as I am very sure they will do nothing that can be very beneficial to us, and am every day in fear of their starting some new and disagreeable measures, and hope when they come together again it will be with a better temper towards the Colonies than seems to prevail at present. I am, with the greatest esteem and respect,

Your Honor's most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

Indorsed, "Received Sept. 1st."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, July 13th, 1767.

SIR, — Parliament rose the 3d instant without having done anything farther relative to the Colonies than in my former letters I have acquainted you was likely to take place. I do not send you the acts which have passed, because I am told at the public offices that they will be forthwith sent by government.

The 26th chapter of this session, beside its imposing heavy duties upon such necessary articles as paper, glass, &c., and the strict regulations it contains relating to the customs, which will be severely enough felt, will by all hearty Americans be considered as of the most dangerous consequence to the Colonies, especially that part of it which enables his Majesty to apply the produce of these duties towards *defraying the charges of the administration of justice and the support of the civil government within all or any of the Plantations*. By this regulation, the Governors will be rendered independent of the people, and, wanting no support from them, will have very little inducement to call the Assemblies together; nay, in time, and it may be feared very soon, the King's government will all become sinecures for the support of the friends of administration here, and an American Governor need not know whether his government is in that country or in Indostan, in Bengal or at the Cape of Good Hope, nor have any concern with it, other than to receive the salary appointed for him, which will enable him to buy a borough, and qualify him to prostitute his vote in the service of that Minister who shall have given him his government.

The judges, too, while they are made independent of the people by the establishment of their salaries, are left perfectly dependent upon the Crown, as their commissions

are now during pleasure; whereas, to leave them fairly unbiased, they should hold, as they do here, during good behavior. The consequences of this act will therefore intimately concern those Colonies, at least, which are immediately under the Crown.

With respect to the charter Colonies, I cannot find that any use is intended to be made of this regulation, though you see the act is penned in general terms, and equally includes them all. This great inconvenience, however, they will be subjected to, that while they pay their full proportion of those duties by which the civil establishments of the other Colonies will be supported, they must maintain theirs at their own expense; which in event amounts to the payment of a tax to the other Colonies. To avoid this inequality, some think it would be advisable for them to apply that their proportion of the duties may be appropriated to the support of their own officers; but this subject is so delicate, and the consequences which might follow from a step of this kind are of so dangerous a nature, that I think it would be by no means prudent to attempt it. Would it not rather endanger their constitutions? Would it not be said, in answer to such an application, that the King cannot support (with propriety) officers whom he does not appoint? and that this inequality would therefore be better remedied by putting all the governments upon the same footing, &c.? At least I think it would bring on questions and inquiries which in these dubious times had better not be moved, and which the longer they are suffered to sleep, the safer those constitutions will be.

The commissioners to be appointed under the authority given in the 41st chapter are not yet named, though three of them are certain; viz. the two Surveyors-General, Temple and Stewart, now in America, and Mr. Paxton of Boston, who is here. It is not settled whether the board shall consist of five or seven, nor whether it shall be fixed

at Boston or New York, though most probably at the first. The compliance of New York with the Mutiny Act (intelligence of which is just arrived) gives much satisfaction here, and is esteemed a great point gained of the Colonies. The warm spirits, however, yet ask: But have they complied in terms with the act? Have they adopted it in form? Do they submit to it directly, as being bound by the authority of Parliament, or have they only avoided the point of right by making a general provision for the troops in their own way? Questions these more captious than candid, more nice than good-natured.

As soon as Parliament broke up, the confusions at Court again revived, and ministerial matters are yet in much disorder. Secretary Conway resigned; Lord Northington offered to go out. Lord Chatham wrote to his Majesty that his health would not permit him to serve as he wished; and it is said he only waits to get a pension for his son before he retires.

The leaders of one party and another were sent for to Court. They are closeted. Councils are held. Negotiations are on foot. One won't serve without another, and each must bring in his friends; all is bustle and intrigue, but nothing determined. There are so many discordant interests to be adjusted, and so many important persons to be provided for out or in, that all the officers of state, and all its pensions, which are already multiplied beyond measure, and almost beyond the utmost bearing of the people, are far too few to provide for the contending parties, or pacify the numerous pretenders to places and pensions. Efforts have been made, and endeavors are still making, to unite the three great parties of Bedford, Rockingham, and Greenville upon what they call a broad bottom, and to form a ministry superior to all opposition; but here, too, great difficulties arise, and to determine how it will end, or who will rise or fall in this (if I may be allowed the

expression) rapid whirl of fortune's wheel, requires more skill in the doctrine of chances than was possessed by Newton and all the mathematicians of the last age. Some administration, at least, will ere long be found necessary; at present there is none, nor has been for some time past.

This unsettled state of things, you will see, must have prevented, and will still probably prevent, the decision of the Mason cause, and totally disable me from giving you any intelligence, or even conjectures when it is like to come on, or what will be its event. Neither Mr. Jackson nor I have had the honor of any letters from you since those of February, from whence we presume that either nothing material has occurred, or that some of the spring ships are yet missing. I am, with the greatest respect,

Your Honor's most obedient and very humble servant,
W^M SAM^{LL} JOHNSON.

Indorsed, "Received 5th of October, 1767."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

For the Honorable William Pitkin, Esqr., Governor of the Colony of Connecticut, at Hartford in Connecticut, New England, America, per London Packet, Captain Billings.

LONDON, September 15, 1767.

SIR, — In expectation that I might receive the honor of some of your favors, which might require an immediate reply, and having little of consequence to acquaint you with, I have postponed writing to your Honor, until this ship, I find, is upon the point of sailing, and gives me time only briefly to acquaint you that one of the most material things which has occurred since my last is the death of Charles Townshend, Chancellor of the

Exchequer, one of the principal persons of the present administration, who, after the failure of all their negotiations, resumed their several offices, and continued the conduct of public affairs, as they had done before. Mr. Townshend was a gentleman of the first abilities, but of extreme instability. His admirable talents made him esteemed, feared, and courted by all parties, while his versatility equally prevented his strict union with any of them and their placing an entire confidence in him. He affected, of late, great apparent friendship for the Colonies; but I cannot say that I think his friendship was real or well grounded; and he was certainly so very easily capable of becoming their enemy, that, upon the whole, I do not apprehend they have lost much by his fall. Lord Mansfield succeeds him *pro tempore*, but either new aids must be called in to strengthen and support the present administration, or an entire new one formed before the meeting of Parliament.

The Privy Council, solicitous to find some means to ease the Crown of the immense expenses attending the present management of Indian affairs, which have been long and loudly complained of, have adopted the idea of forming some new settlements in the Illinois country, or upon the Ohio; with intention to devolve the care of Indian affairs upon the Colonies, and leave it to them, as formerly, to make and keep peace with them in the best manner they can, at the same time directing the future settlements in such manner as to form the best barrier they can against their future insults and inroads. The Board of Trade have it in charge to consider and digest a plan for this purpose, and it is said the present Superintendencies will be abolished, and a total end put to that method of managing the Indians.

The establishment of the two French free ports of St. Lucia, and Port St. Nicholas on Hispaniola, by the French King's Arrêt of the 29th of July last, will, it

is hoped, add some facilities and benefits to the trade of the Northern Colonies; but it creates much jealousy here, from an apprehension that it is meant, too, as a means of introducing the manufactures of France into the British Colonies; all goods imported there, from Europe, being allowed to be exported by foreigners from those ports, as well as rum and molasses.

Those of the Commissioners of Customs who are here are going out in a few days to Boston, where the board is fixed. At this season of the year, very little business is done at the public boards, so that we cannot expect the Mohegan Case can come on before November at soonest. Mr. Mason has been endeavoring to leave his affairs with Captain Parke, and return with this ship, but it is doubtful whether he will be able to effect it. I hope to be soon favored with letters from your Honor, and am, with the greatest respect,

Your Honor's most obedient and most humble servant,
WM SAM^{LL} JOHNSON.

Indorsed, "Received 20th of November, 1767."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, November 13, 1767.

SIR,—I am now honored with your very agreeable favor of the 17th of June, acknowledging the receipt of mine down to the 11th of April, for which I return my sincere thanks. As the proposal for an accommodation of the Mohegan dispute had never been made in form, I did not much expect the Assembly would take it up, and give any explicit directions about it. That this important cause should still continue to be an object of much concern in the Colony is no doubt

very just, as a determination against us would certainly be attended with very unhappy consequences. But I still have good hopes of it; at least nothing farther than I have formerly mentioned yet appears to discourage me, unless it be the delay which attends it; and even that, in some respects, continually strengthens our defence. After we had passed the month of July, indeed, I did not imagine it could come on before this month at soonest; and I am yet equally uncertain when to expect it, as there is yet no time assigned for the meeting of the Council. Whenever its period shall arrive, I hope with your Honor that both law and equity will appear so clearly on the part of the Colony as to leave no room for a decision against us. The intelligence you favor me with, of a farther sum left in Mr. Jackson's hands, is very acceptable, as he had, I believe, balanced his former account by his and Mr. Life's salaries, and the sums advanced for my support, in this very expensive country; and I could with but an ill grace request him to go farther than the money in his hands would admit, (having no particular orders for it,) had he been ever so well disposed to give a credit to the Colony, which, however, as every gentleman here seems to have abundant use for his money, I had no reason to think would be very agreeable to him. Considering the circumstances of the Colony at the time of General Gage's demand of quarters for the troops, as well as its constitution, no reasonable exception could be taken to the procedure upon that occasion, and I have already acquainted you that it not only passed without censure, but was pretty generally approved. Mr. Jackson tells me he will very soon comply with your directions respecting the Mediterranean passes.

Since my last very little has turned up but what every newspaper will tell you very minutely; viz. the death of the Duke of York, the birth of a prince, &c., &c.

Lord North has taken the place of Chancellor of the Exchequer, and is esteemed a man of good abilities, though by no means of such brilliant talents as his predecessor. It is said, he understands the business of the finances very well, and it is thought will be inclined to frugality, and economy in the conduct of the revenue. He was with the Ministry in all the measures of last winter, but did not speak very often in the House; when he did, he was well heard, and has a dignity in his manner that gives weight to his sentiments, which were generally sensible, cool, and temperate. He was against the Colonies in the affair of the Stamp Act, though not amongst the most violent. But if he continues in this station, we shall soon be able to form a much better estimate of his character than can be made upon any former scenes he has appeared in. As the Parliament, by its limitation, must end, I think, in March (at least early in the spring), they will soon meet for the despatch of business, probably in a fortnight. I do not yet find that any great matters are in agitation, and it is to be hoped they will be moderate and cool, especially as they are so near their dissolution, and have their hands so full of the preparations, canvassings, and intrigues for the next election. American affairs are not much mentioned of late, everybody being in a kind of suspense, waiting to see what reception the proceedings of last session meet with in the Colonies. After all the bustle, intrigue, and negotiation about a change of administration, all has been for some time past quiet, and no alteration seems now to be much expected; but how long this calm will continue in this variable climate, nobody can guess. The Board of Trade have still in consideration the proposals for settlements on the Ohio, and at Detroit. They have consulted the merchants upon the subject, who reported in favor of the design, notwithstanding

which I find it will meet with some opposition, though there is a good probability of its success. It gives me very great satisfaction to find that my correspondence, so far as it had gone, was not disagreeable to you. I shall therefore continue to acquaint you with whatever occurs here (within the reach of my inquiries and observation) which I can imagine worth your knowledge, and in the mean time am, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

Indorsed, "Received 3d of February, 1768."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, December 26th, 1767.

SIR, — My last, of the 13th of November, acquainted you that we were then tolerably quiet here with regard to American affairs, which happily has hitherto met with no very great interruption. Mr. Greenville and his friends indeed, at the opening of Parliament, threw out some censures upon the Ministry for their tame conduct (as they called it) with respect to that country, and very soon afterwards he made a formal complaint against certain papers, published at Boston, relative to the New York act, and as libellous and treasonable. It was the first endeavor of the House to persuade him to withdraw his complaint; but when this appeared impossible, they went into a long debate upon it. Nobody attempted to justify, or even excuse, those publications; but the Ministry said it was below the dignity of Parliament to pay any regard to angry newspaper writers, who were as frequent and as impudent here as they could be in any country; that

by the last accounts from thence it appeared that the sober, sensible, steady part of the people in America disapproved of those publications, and were disposed to continue peaceable and easy, and enter into no new contests with this country; that they therefore hoped they would have no ill effect and be very soon forgot, or, if they must be prosecuted, it might be done by ministerial orders to the Governor, without the interposition of Parliament. Secretary Conway and Lord Barrington, particularly, said many things, very kind and candid, in favor of the Colonies; much more indeed than I should have expected from the latter, who has not been remarkable for his affection for them. It soon appeared to be the general sense of the House by no means to intermeddle in the affair; but how to get rid of it was still the question, as it seems it is a standing rule never to dismiss the complaint of a member without a resolution upon the merits of it, which in this instance they wished to avoid; and finally hit upon this expedient, to adjourn the debate for six months, before which time Parliament will be dissolved.

The next thing that occurred to give any disturbance was the intelligence from Boston, that they had entered into an agreement not to import or use a great variety of British manufactures, but to set on foot and encourage manufactures of the like kind amongst themselves. This was received by very many with great indignation, and at first seemed to threaten some mischief. Some pains was therefore taken by the friends of the Colonies to excuse this proceeding, and place it in as favorable a light as it would bear, — as founded in the necessities of the country, its want of trade, the scarcity of its specie, and their utter inability to pay the debts already contracted and continue any beneficial intercourse with this country, without greater economy, industry, and frugality than we have formerly practised. That it could be no advantage

to this country for America to take off more of their manufactures than she can pay for, and eventually become bankrupt in their debt; and that our natural propensity to luxury, as well as the attachment we have to the cultivation of our lands in preference to manufactures, will always induce us to take off as much as we can really afford to consume, &c. Observations of this kind have weight, and the heat seems to be cooling; but still it is objected that this agreement at Boston was apparently entered into with other motives; viz. to show their resentment against this country, and the laws and regulations established by the last session of Parliament. To which it is replied, that there is no clear ground for this position, and that it is a harsh, uncandid construction, which ought not to be made, since there are so many justifiable motives to which it may be imputed, without supposing anything of this kind. I must own, indeed, that our best friends do rather condemn the time and manner of doing it, and hope the example will not be followed in other towns and Colonies. Say they, We see as clearly as you do that it is by all means right for you to practise all possible industry and economy, and to make the most you can of your own manufactures. It is both your duty and your interest. But why should there be these public associations, these votes and subscriptions? Why make such a parade about it, which must unavoidably give umbrage here, and add strength to the enemies of that country,—whose constant theme it is, that all these steps are taken with a view very soon to renounce all dependence upon this kingdom? Why may not these things be as effectually done without noise or notice, even by individuals, every one in his own private sphere pursuing, inculcating, and practising those maxims, so beneficial to the country? These are some of the observations, both of our friends and foes, upon this occasion, of both which perhaps good use may be made.

The Ministry, on their part, seem hitherto disposed to let the Colonies alone, at least for the present; and wish, they say, for nothing more than that they themselves would be careful to do nothing to serve the purposes of Opposition here, who lay hold of everything that happens there to give them trouble; and when once any matter is brought into Parliament, the most they can for their own sakes do is to moderate and soften, as this country would by no means bear the full exertion of ministerial power in order to carry any point in favor of the Colonies. This moderation is owing, not only to real friendship for the Colonies, which yet I am willing to hope is tolerably sincere in some of them (the two Secretaries of State particularly), but to another reason, which I believe I have before suggested, and which operates very strongly at this juncture; viz. that they have their hands and hearts both full of the preparations for the next election, and wish to have nothing to divert their attention from it; so that, I dare say, they will on their part propose no new regulations for America this session, nor scarcely even mention it, unless the Opposition render it necessary.

Hitherto Parliament has been employed upon the subject of provisions, the affairs of the East India Company, the business of the ordinary supplies, &c. It was expected there would have been a warm push for a farther reduction of the land tax; but it passed quietly at 3s. in the pound, as fixed last year. The exportation of corn has been farther prohibited, and importation both of wheat and Indian corn from America permitted. Notwithstanding all they have done, the distress of the poor for want of bread is very terrible and affecting. A bill was brought in for liberty to import salt provisions also from America, as well as Ireland; but as it met with some opposition it was laid by for the present, and the House adjourned upon the 21st instant to the 14th of

January. The scene which succeeded to this is perhaps a very important one. It was evident at the opening of Parliament that the Bedford party did not speak of the Ministry with all their wonted acrimony; and it soon appeared that they had left the Greenvillians and Rockinghamites, and were entered into a treaty with the Ministry for themselves; the result of which, after much negotiation, is a coalition of that party with the Ministry. In consequence whereof, Lord Gower is President of the Council in lieu of Lord Northington, who retires with a pension of £3,000 per annum; Lord Weymouth to be Secretary of State in place of Mr. Conway, who is to have the first military preferment that falls, but to continue Secretary till February, in order to carry the principal business through the House; Lord Shelburne to continue; Lord Hillsborough to be created Secretary of State for the Colonies only; Lord Sandwich joint Postmaster-General, vice Lord Hillsborough; the Duke of Marlborough to have the first vacant blue ribbon; Mr. Rigby one of the Vice-Treasurers of Ireland, in the room of Mr. Oswald; Lord Charles Spencer a Lord of Admiralty, vice Mr. Charles Jenkinson; and some others in lower departments. These appointments are not all declared yet, and there may be some alteration; but the general plan is looked upon as certain.

The Ministry will gain much strength by this arrangement. Whether it will probably be advantageous to the Colonies, or not, I will not at present take upon me to say. There is at least some good reason to conjecture that, upon the whole, it may be rather beneficial. The Greenvillians are at least weakened, and can now do nothing without joining with the Rockingham party, who, it is to be presumed, will not unite with them to destroy what they themselves did when in power, or directly counteract the principles they proceeded upon; and if they adhere to them, they can never heartily coalesce with Mr.

Greenville and his friends. If the Ministry therefore preserve the same good disposition, now that they are united with this party, which they expressed some time before it took place, it seems as if the Colonies would be pretty safe. Lord Gower will certainly not meddle in law matters; so that we may now expect our Mohegan Case, when it comes on, will probably be decided by Lord Mansfield. All American affairs will now be thrown into an entire new channel; all is to begin anew with Lord Hillsborough; new negotiations are to be commenced, new connections formed, &c., which is an unhappy delay to all who have any affairs of that country to solicit. Lord Hillsborough is esteemed a nobleman of good nature, abilities, and integrity; is a man of business, alert, lively, ready, but too fond of his own opinions and systems, and too apt to be inflexibly attached to them; by no means so gentle and easy to be entreated as his predecessor in that branch of business, but much more to be depended upon if he once adopts your ideas of any measure. As a native of Ireland, and possessed of vast property there, it may be hoped he has formed reasonable notions of the rights and liberties of the distant branches of this empire, and would not be disposed to confine all power and all political felicity to the shores of this island. Lord W—y—h has not the reputation of being a very great statesman, and Lord S—ndw—h's character is already too well known in America to make it necessary for me to repeat it here. The principal object of the two last, in pushing into place, is money, which they both want, and will perhaps be more attentive to amass wealth than to form new political projects; though I own I fear the latter, who has abilities, and seems enough inclined to be busy and meddling, and most so where he ought to be least. Lord G—w—r's chief view was no doubt the honor and dignity of so high a post; and thus possessed of it, he will not probably much interpose in public affairs,

but leave them to others to conduct, while he shares in the honor. Mr. Rigby is a gentleman of good natural talents, but not greatly cultivated; rough, daring, and intrepid in the House, but out of it a man of pleasure, soft, jovial, and gay. Though it is of some good use in America to know a little of the characters of those who are to manage the public business here, yet I fear you will think I am going too far, and shall therefore conclude with only saying, that I know to, whom I confide these free strictures, and am persuaded no imprudent use will be made of them. I am, with the greatest esteem and respect,

Your Honor's most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

Indorsed, "Received 7th of March, 1768."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, February 13th, 1768.

SIR, — As soon as Lord Hillsborough publicly entered upon his office of Secretary of State for the American department, I thought it my duty to wait upon his Lordship and congratulate him upon his appointment to that important office, and to recommend the Colony of Connecticut to his Lordship's favor and protection. He received the compliment very politely, and replied that the Colony might always depend upon his friendship and affection. But upon my saying it was a loyal and virtuous Colony, and had always endeavored to conduct with prudence, and upon all occasions to demonstrate by every means in their power their firm loyalty to the Crown, and sincere attachment to his Majesty's family and government, he said, we were a very *free Colony*; but he acknowledged with pleasure that he had not heard but

that *generally* we had used our *very extraordinary powers* with a pretty good degree of *decency* and *moderation*; that, however, he could not but take notice to me, that he had remarked, when he presided some years ago at the Board of Trade, (and he believed it had been always much the same case,) that we were very deficient in our correspondence, seldom writing to his Majesty's Ministers, and when we did giving them but an incomplete idea of the state of our affairs; so that they were often quite in the dark about us, and seemed to have too little connection with that Colony. I assured him, in answer, that I believed he might depend upon it that everything was communicated which the government there could imagine it fit to trouble the King's Ministers with; and that if there was comparatively less correspondence with that Colony than with the others, I hoped it was because there was less occasion for it, owing to the good order and tranquillity which had so generally prevailed in that quiet Colony; that in proportion as government was wisely administered there, and the people were easy and happy, there must necessarily be the less room for applications to government here, and, when nothing material occurred, it would be inexcusable to take up their attention with a detail of matters of no consequence. Add to this, that, from the nature of our constitution, his Lordship would see that fewer occasions would occur of troubling the King's Ministers with our affairs than in those governments immediately under the Crown, which must necessarily be, in some sort, actually administered by the Ministers themselves; and if in any cases real delays had happened in course of correspondence with any of our Governors, it must have been only in those instances where it was necessary for them to consult the General Assembly, which could not, without extreme inconvenience, be convened but at the stated periods of their sitting; an inconvenience to which, however, in all cases of great

importance, (as in all requisitions made for troops, &c. during the late war, and upon other occasions,) the Colony had cheerfully submitted. To these and similar circumstances I begged his Lordship would impute the seeming want of punctuality and fulness in our correspondence which he had remarked, and not to any affected negligence or want of respect to his Majesty's Ministers, which, I was very sure, neither the Colony nor any of our Governors whom I had the honor to have known were by any means chargeable with. He seemed pretty well satisfied with this apology, but then proceeded to a much more interesting subject.

He had, he said, in his circular letter, requested that a copy of our Colony laws should be sent him; he had known the like demand made when he was at the Board of Trade, and been informed that it had been repeatedly made long before that, but he could not find that any obedience had been paid to the requisition. I told him, I believed the Colony had several times sent over copies of the printed law book; that I thought there was one or more at the Plantation Office, and imagined they might even be had in England. He replied, however that might be, as his was a new office, it would be necessary that a copy should be lodged there; and he thought it the duty of the government to send it, and transmit from time to time, not only the laws that should pass, but all the minutes of the proceedings of Council and Assembly, that they might know what we were about, how government was administered, and rectify whatever might be amiss. I said, if his Lordship wanted a copy of our laws for his private perusal, or to remain in his office for the information of his secretary and clerks, or to be referred to whenever any affairs of the Colony were under consideration, I did not doubt the Colony would send him one of their law books; and I flattered myself, if his Lordship would take the

trouble to examine it, he would find it as good a code of laws as could almost be devised for such an infant country, and in no respect inferior to any collection of the kind in any of the Colonies; but if his Lordship meant to have the laws now in force there, and those which should hereafter pass, transmitted (as from the Colonies immediately under the Crown) for the inspection of the Ministry as such, and for the purpose of approbation or disapprobation by his Majesty in Council, (which I saw very plainly was what he was driving at,) it was what the Colony had never done, nor thought themselves obliged to do, and I was persuaded would never submit to; and if his Lordship would be pleased to attend to the charter granted us by King Charles II., I did not doubt he would be clearly of opinion, that the Colony were thereby vested with a complete power of legislation, and that their acts needed no farther approbation, nor were subject to any subsequent revision; and in point of fact, his Lordship well knew that those laws had never been re-examined here, that the Colony had been for more than a century in the full exercise of those powers, under the eye and with the approbation of government here, without any the least check or interruption, except in a single instance, in such times, and under such circumstances, as I believed his Lordship would not mention but with detestation, much less consider as a precedent. He said, he had read our charter with some attention, and knew what powers we had exercised under it; that it was very full and expressive, but there were such things as extravagant grants, which were therefore void; and however great a latitude of expression was made use of in it, still there might be a doubt, perhaps, what would really pass by it in legal construction; that he believed I would admit there were many things which the King could not grant,

as the inseparable incidents of the Crown, &c. ; and it might deserve consideration whether some things which King Charles had pretended to grant to the Colony of Connecticut were not of that nature, particularly the power of absolute legislation, which tended to the absurdity of introducing *imperium in imperio*, and to create an independent state.

I replied, that, for the purpose of his argument, I apprehended it was not necessary either to admit or deny that there were some prerogatives of the Crown so inseparably incident or annexed to it that they could not be granted away, (upon which subject some lawyers had, however, refined so much as to render themselves very unintelligible,) since nobody had ever reckoned the power of legislation among those inseparable incidents of the Crown ; all lawyers were agreed, that it was a peculiar and undisputed prerogative of the Crown to create corporations, and that the power of law-making was incident to every corporation, at least in some degree and to some purposes, whether granted by express words or not ; that the corporation once created, the power of legislation did not depend merely upon the words of the grant, but was founded in the reason of things, and the nature of such a body, and would be coextensive with the purposes for which it was created ; that every corporation in England enjoyed it as really, though not so extensively, as the Colony of Connecticut, they to their particular purposes for which they were created, we to ours ; that therefore no question could be made upon the Crown's right to create such bodies, and to grant such powers at least in degree ; and that once admitted, it would be very difficult to limit the bounty of the prince. The law had not done it, and since there had been hitherto no legal limitation how far he should extend his grace, who could draw the line ? surely not the Ministers of the prince !

The powers of the corporation of London were immense compared with those of a petty corporation in Cornwall, yet both stood originally upon the same basis,—the right of the Crown to create corporations, with power to make laws, for the well regulating and good government of their inhabitants. That the Colony charters were in several respects of a higher nature, and founded upon a better title than even those of the corporations of England, particularly that those here were mere acts of grace and favor, whereas those in America were granted in consideration of very valuable services done, or to be performed, which having been abundantly executed, at an immense expense by the grantees, by the peopling and cultivation of a fine country, to the vast extension of his Majesty's dominions, and the prodigious increase of the trade and revenues of the Empire, they must now be considered as grants upon valuable consideration, sacred and most inviolable. That if it were possible to suppose that there might have been a question made upon the validity of such grant as that to Connecticut, in the day of it, yet Parliament, as well as the Crown, having for more than a century acquiesced in the exercise of the powers claimed by it, this would amount to an approbation, so that the Colony had now a Parliamentary sanction, as well as a title by prescription, added to the royal grant; by all which they must be effectually secured in the full possession and exercise of all their charter rights. His Lordship endeavored to distinguish between the ordinary corporation powers (in which he would admit the power of making by-laws was included) and that legislative power exercised in the charter Colonies, upon which he was pretty full; and I still endeavored to avail myself of those distinctions in favor of my argument, upon this principle, that the very creating of a corporation for the purpose of establishing a colony included in its idea full power of

legislation, the government of a colony being a more extensive and complicated object than that of a single city or town, and necessarily requiring more full and absolute powers, which it must therefore be injudicious to limit by comparing them strictly with those of corporations for inferior purposes. Finally, upon this point, his Lordship said, these were matters of nice and curious disquisition, and required a longer time for full discussion than he could then well spare; he seemed, however, to yield the necessity of any royal approbation as requisite to the validity of our laws, but still insisted that (admitting the validity of King Charles's grant) they ought to be regularly transmitted for the inspection of the Privy Council, and for *disapprobation*, if found within the saving of the charter, *repugnant to the laws of England*; that those who claimed under the charter must admit the force of that limitation of their legislative powers, at least, and that alone would render it necessary that their laws should be transmitted and inspected here. Upon which I begged leave to observe to his Lordship, that the Colony did not apprehend that any extrajudicial opinion of his Majesty's Ministers, or even of the King's Privy Council, could determine whether any particular act was within that proviso or not; that this could only be decided by a court of law, having jurisdiction of the matter about which the law in question was conversant; that though perhaps we should not contend, but that, if the General Assembly should make a law *repugnant* to a *statute* of Great Britain, (not in the sense of *diverse form*, but *flatly*, and in *terms contradictory* to it,) such law, by the *saving in the charter*, might be void, yet a *declaration* of the *King in Council* would still make it neither more nor less so, but be as *void* as the *law itself*; because its being void or not depended merely upon the *restraining clause* in the charter, not upon any *authority reserved to the Crown*,

or the Privy Council, to *decide* about it, from which they were by other words in the same charter clearly and expressly *excluded*; that therefore the only method which could be taken in such case must be for the persons aggrieved by such act to bring their action at law, in such manner as to bring in question the validity of such act of Assembly, when the court before whom the trial should be, could fairly and legally determine upon it; that this might be done in the courts of law in the Colony, and I doubted not would be very fairly decided there, and leave no room for an application here, or, if the contrary should ever happen, the interposition here (if any) I conceived must be in the judicial only, not by any means in the official way. As against the Crown, especially, the charter grant was completely, and to all intents and purposes, conclusive; King Charles II. had, for himself and his successors, absolutely granted all their power, by which the Crown must be bound, and forever estopped to say that there was any ground for the Privy Council, or any of the King's Ministers, who were still but the delegates of the Crown, and acting in behalf of it, and by authority derived only from thence, to interpose in confirming or disannulling the laws of that Colony, and consequently there could be no manner of occasion for transmitting our acts to his Majesty's Ministers, or for their giving themselves any trouble about them.

The judicial power of the Privy Council (which I find here they affect to ground rather upon custom than prerogative, though the latter was undoubtedly the true basis of it) his Lordship did not mention, nor indeed, as he had stated it, did it properly belong to this argument, nor did I think it advisable for me, upon this occasion, to introduce so delicate a subject, which would but have opened a new field for debate, as I have no doubt he would extend it much farther (as they generally

do here) than the Colonies can prudently admit it ought to reach.

As to the minutes of Council and Assembly, which he had said ought also to be sent them, I told his Lordship that there were none kept, but only in short notes upon the several papers of business, which would be perfectly unintelligible unless the Colony sent their Secretary, after every session, to explain them; for that, neither he, nor the clerk of the lower House, were paid for entering them at large, or drawing them out fair, nor was it expected of them. His Lordship said we had a very particular method of doing business; that he had not seen these things quite in the light which I had endeavored to place them in, and he feared we were in danger of being too much a separate, independent state, and of having too little connection with or subordination to this country, upon which our security and well-being depended; that, however, these things merited a farther consideration; he hoped, at least, the Colony would send him their laws, and we might perhaps talk farther upon these subjects, upon some future occasion; that he was very sure his Majesty had equal affection for his American as for his other subjects, and wished as far as possible to make us all happy; and that I might be perfectly assured, that he, and all his Majesty's Ministers, had very great regard for that country, that they considered us all as Britons having one common interest with them, and had no disposition to do anything that was injurious to our rights, or that should bear hard upon us.

I said it would be happy both for that country and this that such ideas should be the ground of all their mutual conduct towards each other; that upon the repeal of the Stamp Act, we had hoped these were the principles adopted; but the proceedings of last winter, in imposing new duties, and making other essential regulations

in America, had somewhat damped those flattering expectations, and I believed had given some alarm to the Colonies.

He said, I knew very well that those duties and regulations were projects of Mr. Townsend's, and were occasioned by the then particular situation of affairs, but he hoped were not such as would give us any uneasiness; we ought not to be too suspicious of them, nor they too jealous of us, and on neither side to stick at small matters. As to taxes especially, he said, we were infinitely better off than any of our fellow subjects in Europe; he himself paid taxes both in England and Ireland, and he found a very material difference in favor of his Irish estate, and he believed we were much less burdened than even the Irish. To which I replied, that if we paid less, we had less ability, and fewer advantages; and, all circumstances considered, our burdens were truly very great, and even more than we knew how to bear, and I hoped this country would not add to them, as they would certainly find it would eventually redound to their own prejudice, at the same time that it effectually ruined us.

This was the substance, or rather these were the subjects (for I cannot pretend to recite all that passed) of about two hours' conversation, with which his Lordship indulged me. I must do him the justice to say, he was very complaisant, candid, and kind, heard with attention, replied without warmth, seemed willing to know the true state of things in America, and expressed great desire to do that country service. But I own, upon the whole, I gave him more credit for his complaisance than for his sentiments, and left him not well pleased to find that he had entertained such ideas, and was in danger of such opinions, as you see, from the tenor of his conversation, must at least have made some impression upon him, and been revolving in his mind

ever since he was at the Board of Trade; nor could I by all his politeness be induced to think him that very cordial friend to the Colonies which he seemed so much to wish I should esteem him to be. I believe I need some apology for troubling you with this detail of a general conversation, which tended to no particular purpose; but as this nobleman is now at the head of all American affairs, and will no doubt have an essential influence in all that concerns us here, and the subjects he was pleased to take up were really very interesting, I imagined it might be of some use to acquaint you what kind of language he holds with respect to us, as well as gratify some curiosity to see what loose, mistaken notions those who are esteemed very great men (and really are so in many respects) are capable of entertaining of Colony rights; nor had I anything else of equal importance to communicate to you at present.

The proceedings in Parliament have produced nothing with regard to the Colonies, except only the act for permitting the free importation of salt beef, pork, bacon, and butter from America until May, 1769, and I have already acquainted you, in mine of December 26th, that it is probable very little will be farther done, this session. Mr. Jackson has, I presume, acquainted you with the difficulty which occurred with respect to the Mediterranean passes; the Admiralty doubted whether they might trust them to a charter Governor: surprising objection!

Captain Parke, to whom Mason has committed the management of his case, has been using all his industry to bring it to trial, and we have now strong expectations that it will be heard some time next month; but lest some accident should delay it still longer, as nothing here seems to be very certain, methinks it is time I should inquire how long it will be expected I shall attend upon it.

The expense of living here with any tolerable decency, in spite of all the economy I can use, is really very great; and I cannot but with regret, and even indignation, consider the vast expense which for half a century the Colony has been put to, and which is every day increasing, by a paltry Indian claim, which in my apprehension never had the least foundation either in law or equity. Must I in all events continue here, and wait the decision of the cause? or, if it appears that it must be still delayed, shall I leave it under the best circumstances that I can, and return? It is indeed probable it will be at an end before I can receive an answer to these questions; but as it may be otherwise, and the affair has already been prolonged very far beyond what the General Assembly could have any idea of at the time of my being appointed to undertake this business, perhaps they will now think it expedient to fix some limits to my residence here, provided it shall still remain uncertain when to expect a decision of the cause, which, however, is humbly submitted, and I remain, with the greatest respect, their and

Your Honor's most obedient and most humble servant,
WM SAM^{LL} JOHNSON.

Indorsed, "Received April 18th, 1768."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, March 12th, 1768.

SIR, — Parliament is now dissolved, without having passed any other very material acts than I have before mentioned to you relative to the Colonies, except one to enable his Majesty to appoint three or four Judges of Admiralty, in lieu of the one formerly established at Halifax. When I wrote you some time ago, the great people

here seemed to have their hands so full of their own affairs, and all things were so quiet with regard to the Colonies, that I thought, with many others, they would hardly be mentioned in the House during this session; but some of our *particular friends* could not let us quite escape, and the proceedings at Boston, especially, afforded too good an opportunity to scold at the Colonies to be suffered to pass unnoticed. Mr. Greenville attacked the Ministry for not having laid before the House the answers of the several Governors, (demanded, it seems, in pursuance of an address of the House in 1766,) relative to the state of manufactures in their respective Colonies. The Ministry excused themselves for not having produced those letters, as not being, in their opinion, obliged to do it unless they were called for, and because they had received no answers from five of the Governors; but promised to lay all they had upon the table in a few days. Upon this occasion, some severe things were said against the Colonies, and it seemed to be the sense of several gentlemen, that they had good right to restrain the manufactures of America, especially if they were carried to such a pitch as to prejudice those of this country; that they ought even to do it very soon, and declare such meetings and associations as those held at Boston illegal and punishable; and especially that some method should be taken to prevent the manufacturers of this country from going in such numbers to America. These were, however, only the sentiments of particular members, upon which the House came to no resolutions. When the papers were, a few days after, laid upon the table, a farther conversation arose upon the subject, much to the same effect with the former. Mr. Greenville seemed to think that the accounts which the Governors had given (none of which were alarming) were partial and incomplete; and recommended it strongly to the Ministry to give close attention to this subject, and to gain all the lights they

could from every quarter relative to it, to require the Governors to be very full and exact in their intelligence, as well as punctual in transmitting annual accounts of everything of this nature; and insisted that those Governors who had delayed their answers, or totally neglected the order, should be severely reprimanded, and, if guilty of a second neglect after such reprimand, effectually punished or removed. If the Ministry would undertake this, he said, he would not trouble the House with any motion upon the subject at present; and they consenting to it, the matter went off.

The next mention of the Colonies was upon occasion of renewing the bounties upon the British whale fishery, (which are continued till 1770, when the act relating to the American whale fishery will also expire,) when some bitter things were again dropped by one or two members, and it was laid down for doctrine, which received no contradiction, that the Americans had no right to the fishery but by the mere indulgence and favor of this country; and the bounty seemed to be continued upon this idea, that both the British and American whale fishery should remain upon their present footing until the expiration of the American act, when the whole matter would be open, and should be resumed again, and some new regulations established, which may give a clear preference to that of Britain.

These things bode no good to the Colonies, and, notwithstanding all the flattering things thrown out by the present Ministry, I have very good intelligence that some of the chiefs among them, irritated by the Boston resolves and proceedings, had it in idea to have proceeded against that Province, and punished them in a manner which even some of the friends of Mr. Greenville thought too severe; and for that reason, as well as the brevity of the session, and the preparations for the election, the design was laid aside. It is certain,

however, that they are angry enough at that Province, and I think it will be well if they escape another session without some severe wrath of their resentment.

While I am writing, I have the honor of your two favors of the 17th of November and 4th of December, with a duplicate of that of June 17th, for all which I return you my sincere thanks. The remarks you are pleased to make upon the state of things here, and the measures which have been found beneficial for that country, as well as this, are equally just and important. Experience has shown the utility of moderate measures; and every deviation from the former system of conduct will, I am persuaded, be found prejudicial to both countries. Some there are here who have the same right notions of these matters, amongst whom I may name the worthy Mr. Trecothick, who has very just and clear opinions of the true interests of Britain and her Colonies, and is a friend to America upon principle, as well as by education; though, unfortunately for him, these opinions and this friendship are now turned warmly against him. He has offered himself a candidate for the city of London at the approaching election, and is almost every day violently abused in the papers as an enemy to this country, and unfit to represent his fellow citizens, because he received his education at Boston, and has, upon many occasions, warmly espoused the interests of the Colonies. Strange objections these, you will say! especially in the mouths of those who, at the same time, insist that the members of Parliament which they elect are also the representatives of America. It has, I know, been long the labor of our enemies to render the cause of the Colonies unpopular, and they would now, it seems, have a friendship for America constitute an odious character in the city of London, and render enmity to that country a necessary qualification for a member of Parliament in this. What would the Colonies then have to expect, or rather what might

they not fear, from a legislature thus constituted? Surprising as these objections must appear to all unprejudiced observers, yet seconded as they are with warm declamations upon the inimical nature and tendency of the Boston resolves and proceedings with respect to the trade and manufactures of this country, they seem to make unhappy impressions, and will, I fear, endanger this gentleman's election.

You very justly exculpate the Colony from having in any measure increased the expense of the Crown in Indian affairs. They have not only always borne their own charges at all interviews with them, but have had no share, neither in the exorbitant profits which have been made upon the trade with them, nor upon presents distributed amongst them, nor in any of the various lucrative transactions and negotiations with them, or relative to them; which, it seems, have really cost the Crown amazing sums, though they have answered few valuable purposes; yet the present American Minister does not seem to see this matter in the same light as his predecessor did. It is rather doubtful whether he will encourage any of those settlements which were proposed; at least the affair seems to be laid aside for the present.

I was assured at the public offices that the acts of Parliament relating to America would be regularly transmitted to you by the first opportunity, as a thing of course, and am therefore surprised you had not received them, and will inquire of this matter again very soon.

Changes in administration are again talked of, and it is said Mr. Greenville's party gain ground. Much, however, will depend, both with regard to the state of parties here, and their conduct towards America, upon the event of this election, to which all parties are now eagerly attentive, and hastening down into the country replete with the most anxious hopes and fears. It looks as if the town would almost be deserted, which will probably delay

for a while the trial of the Mohegan Case; but in this scene of party rage, high living, contention, and riot, it must be expected, it seems, that most of the politicians will be engaged for a month or six weeks, where I leave them for the present, and remain, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,
W^M SAM^{LL} JOHNSON.

P. S. I am sorry to acquaint you that Mr. Occam, who was embarked and at Gravesend with Dr. Whitaker, bound to America, has, at the instigation of Captain Parke, left him, and is returned to town. This is colored with a pretence of his being summoned by Mr. Parke as a witness in the Mohegan Case; but I fear he has been induced to enter with an unbecoming spirit into this affair, and, in despite of the agreement he entered into before he left America, is to be made use of, by telling a doleful tale of imagined injuries and abuses, to excite as much compassion for the Indians, and make as much clamor against the Colony, as he can, by way of preparation for the expected trial. Perhaps I may be too uncharitable in my suspicions; but I think, considering the stipulation he made, it would have been more honorable to have proceeded his voyage than to have returned in this manner, under pretence of a summons, which is not even a disguise, much less an excuse, for his contravening the agreement.

Your Honor's most obedient,
W. S. J.

All of a sudden, and almost unexpected by everybody, the famous Mr. Wilks yesterday offered himself a candidate for the city of London. He is like to obtain his pardon.

Indorsed, "Received in May, 1768."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Hon. William Pitkin, Esq.

LONDON, April 29th, 1768.

SIR, — My last acquainted you that the people of this country were just then embarking in the elections with uncommon warmth and earnestness. They are now over, and, as was foreseen, have proved a scene of tumult, confusion, riot, and disorder in almost every part of the kingdom. It would, I apprehend, be no satisfaction to you for me to paint to you those shocking disorders and extravagances which have appeared upon this occasion, since they are only fresh proofs of the folly and madness of mankind, which need not these striking examples to confirm them. In general, it is said, it has been the warmest and most expensive election that ever was in this country. Many millions have been expended; in divers places it has cost the candidates £20,000 or £30,000 apiece; and in Cumberland particularly it is affirmed that one gentleman alone has spent near an £100,000, and after all it remains to be disputed, at a great expense, before the House, who shall finally sit. Several towns have been in a manner ruined, and many lives lost. The courts of justice will for a long time have full employment in punishing the rioters; but the worst part of it is, that the punishment will fall upon the misguided populace, and not, as it justly ought, upon those who, by their influence and an iniquitous distribution of their money and liquor, have inflamed and set them on to commit these outrages. Among the rest, and above all others, Mr. Wilks has made the most conspicuous figure, and is indeed as remarkable a man as has almost appeared in any age or country. An exile and outlaw, without money or apparent friends, convict (as Mr. Pitt formerly expressed it) a libeller of his King and

a blasphemer of his God, yet trusting to his popularity, founded upon his brave and noble opposition to general warrants, he boldly ventured, in defiance of the government, to return from his exile, and offer himself a candidate for the metropolis; and though he failed there, after a warm struggle, actually succeeded and carried his election for the first county in the kingdom, in consequence of which the town was filled with rejoicing and riot, and those windows which were not illuminated were broken, particularly those of the Mansion House, to the value of £500. After this, amidst an amazing concourse of people, he surrendered himself in the Court of King's Bench; and in the same speech in which he submitted himself to the justice and laws of his country, he ventured to attack the Chief Justice (Lord Mansfield) in his own court, and charge him with an iniquitous and illegal alteration of the records to his prejudice. The Chief Justice defended himself, and then calmly heard him and his counsel move that he might be admitted to bail, for the purpose of bringing writs of error to reverse the several judgments against him; but the court agreed they could not take notice of him, not being in custody, nor consequently legally before the court. He was then taken upon a *capias utlagatum*, and being in custody, and having obtained a fiat for a writ of error, some days after was brought into court, and by his counsel again moved to be admitted to bail, which after long argument was refused by the whole court, as being against law after conviction, and he was ordered to be committed to prison. As he was proceeding there in a coach with the officers, the populace seized the coach, dismissed the coachman and his horses, turned it about, and themselves drew it in triumph into the city, where they dismissed the officers, and intended to have kept him under their protection; but he had the honor, as soon as he could, to retire from them, and (as he had promised)

surrendered himself to the Marshal of the King's Bench Prison, in whose custody he remains, while the whole nation in anxious suspense are waiting to see what will be the end of these things.

It is said there are at least an hundred and seventy new members, which is a very uncommon number. The Ministry have lost many elections which they depended upon carrying, but have succeeded in others which they were very doubtful of, so that upon the whole it is thought they will be able to secure a majority. The last House, now they are dissolved, are freely spoken of as the most infamous that ever existed. I wish this may be better. How they will be affected towards the Colonies is impossible to guess, though, from the general spirit which seems to prevail, one has no great reason to expect that they will be more favorable than the last. I mentioned to you how much Mr. Trecothick suffered by his supposed connection with that country, and affection for it. Notwithstanding the most violent opposition, he however succeeded, and I trust will be a very useful, worthy member. Should they be inclined to give the Colonies trouble, I imagine the vast number of disputed elections (more than ever were upon any former occasion) will at least divert them for some time, and before they are all settled other circumstances may occur to produce the same effect. The less they think of us, or meddle with us, the better, and I am always glad when I find they are like to have other employment. Mr. Wilks will find them business for a while. They meet the 10th of May to take the oaths, and perhaps hear some disputed returns; but it is not expected they will enter much, if at all, into the general affairs of the nation.

Mr. Parke says he is not yet ready to bring on the Mohagan cause; and if he was, it being term time, neither of the Chief Justices could attend it, and without one of them

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Lord President will not meddle with it. I am sorry to acquaint you that, although I have been as frugal as decency would admit, my expenses have been so considerable that Mr. Jackson tells me that, deducting his and Mr. Life's salaries, and the other charges which have arisen, the Colony money will again be soon exhausted; and whenever the cause comes on, a large sum will be needed. The attorney on the other side told Mr. Jackson they intended to give their counsel £300 or £400 apiece with their briefs. We shall not think of being in any degree so profuse as that comes to, especially as there are four counsel in the case; but let us be as frugal as we will, it must be no inconsiderable sum that must then be advanced, beside what they receive every time we consult with them, which cannot, it seems, be less than ten or twelve guineas apiece. A lawyer here is hardly thought worth employing who cannot make from £6,000 to £8,000 per annum by his business. The Colony will, I doubt not, be surprised at these enormous expenses; but this is a country where money goes but a little way compared with what it does in Connecticut. An amazing luxury and dissipation, added to the vast wealth of individuals, and the extreme dearness and scarcity of many of the necessities of life, have, as it were, reduced the value of money, while custom (that tyrant to whom all must in some degree submit) has rendered it necessary for a man to spend a great deal of it, who would live with decency or make any tolerable appearance amongst his fellow-mortals. And so rapid is the progress of luxury and the increase of the rate of living, that an American gentleman who was here five or six years ago, and returned again last fall, tells me he finds that the expense of living is at least one third higher now than when he was here before.

Mr. Occam is, I am told, returned home: at least, he has not appeared of late, and Mr. Parke will own no

knowledge of him. He was sent to Lord Hillsborough and some others to make such representations as he was no doubt instructed might serve the Mason interest ; but care was taken that his Lordship should be previously informed who he was, and the nature and ground of the complaints he was like to make, and guarded in the best manner could be done against anything he should say to the prejudice of the Colony or the cause ; and I do not yet find that he has made any very deep or dangerous impressions ; so that I hope no ill consequences will follow from this artful attempt to make use of him to our disadvantage, which I believe he was inadvertently drawn into, and rather wished, when he came to reflect coolly upon it, he had not embarked in, and therefore relinquished it as soon as he could. I remain, with the greatest respect and esteem,

Your Honor's most obedient and very humble servant,

W^M SAM^{LL} JOHNSON.

P. S. As the conveyance by which this was to have been forwarded failed, it gives me opportunity to resume Mr. Wilks's story where I left it, and to acquaint you that a few days after his commitment the writ of error for reversal of his outlawry was learnedly argued by Sergeant Glyn on his part, and Thurloe, counsel for the Crown, on the other ; but another argument being moved for on the part of the Crown, and the exceptions taken being nice, and depending upon a variety of cases cited on both sides, the cause was adjourned to the next term, in June, which has given great offence to Mr. Wilks's friends as it prevents his taking his seat in Parliament. In the mean time they seem here to be almost in a state of anarchy. Ever since Wilks has been in prison he has been attended by a vast concourse of people, and, the populace having been guilty of some disorders, several were taken up and committed. On Tuesday, the mob

increasing and demanding Mr. Wilks, and being very riotous, the guard, which had been constantly doing duty at the jail, were increased. The justices read the riot act, and ordered the troops, if they were farther insulted, to fire upon the people; which they did several times that day and the next, by which eight or ten persons were slain outright and many wounded, several of whom have since died of their wounds. Some of these are considered by the people as murders. They are exasperated, insist upon prosecutions against some of the officers and soldiers (who, unfortunately for them, happened to be Scotchmen), and party rage runs very high. Beside these the seamen, the coal-heavers, the watermen, the journeyman hatters, sawyers, and weavers are up in large bodies, all complaining of the high price of provisions, &c., and demanding an increase of their wages. One or other of these mobs are almost continually patrolling the streets. On Wednesday the seamen to the number of about eight thousand went down to Westminster with great regularity, and, without committing any outrages, presented a petition to Parliament, requesting an act for regulating their wages, &c. By this rising of the seamen the maritime trade of London has been totally stopped, and no ship permitted to go down the river for several days. Some concessions have been made to them and to the coal-heavers in respect to their wages, in consequence of which some have gone to work again; but in general they are not satisfied. These several mobs seem yet to be quite independent of each other; but the discontent seems so great and so general among the people, that, should they unite, very fatal consequences may be apprehended. These disorders are strong proofs that something is much amiss in the state. They perplex the present administration, and will give great strength to the opposition, and may perhaps produce some revolution in their favor. I have the mortification to

hear many perversely impute them to the example (as they say) set in the Colonies, and the debility discovered by government here in yielding to them and repealing the Stamp Act, which (being so totally without any manner of foundation) only serves to show how very ready those who make these observations are to turn every circumstance to the disadvantage of the Colonies.

Parliament was opened on the 10th, by commission, in the usual manner, and Sir John Cust again chosen Speaker; but they have hitherto entered upon no business of any consequence. His Majesty's sister, the Princess Louisa Anne (who had been for some time past declining) died yesterday morning. I remain, with perfect respect, your Honor's most obedient servant,

W^M SAM^{LL} JOHNSON.

LONDON, May 14th, 1768.

Indorsed, "Received 22d of August."

WILLIAM PITKIN TO WILLIAM SAMUEL JOHNSON.

To Mr. William Samuel Johnson.

HARTFORD, 6th June, 1768.

SIR,— You will be advised by this that the late act of Parliament for granting certain duties in the British Colonies and Plantations in America, &c., has arrived here, and has been read to the General Assembly of this his Majesty's Colony of Connecticut; in which, in the humble opinion of this Assembly, there are many things enacted that in the most unhappy manner tend to deprive the inhabitants of this Colony of their essential rights as Englishmen, and in their consequence will be most prejudicial and fatal to the interest of the nation; and in this most important and interesting affair have made their

humble supplication to his gracious Majesty the King for relief, and their application to the Earl of Hillsborough, one of his Majesty's principal Secretaries of State, for his kind interposition in their behalf. The Assembly have also thought proper on this occasion to instruct their agents to represent to his Majesty's Ministers and others of influence, and in the strongest manner possible consistent with decency press the reasons and arguments which in their opinion most clearly entitle them to relief.

The express design of that act is to raise a revenue for his Majesty in America; and the grant is made by the Commons of Great Britain for the purpose of defraying the charge of the administration of justice and the support of civil government, and for defraying the expenses of the defending and securing his Majesty's dominions, in America.

This act, in the opinion of this Assembly, to be sure, the principle and manner in and by which it is made, most undeniably deprives the Colonists of their essential rights as Englishmen, may strip them of all that is good and valuable in life, take away even all their estates without their consent, and subject them to and oblige them to support a civil and military authority over them that the Colonists have no other interest in or connection with than barely what their offices create; and in such a case would there be the least shadow, we don't say of English or British, but of any civil liberty at all?¹

Our fathers, who came to this continent with the royal consent and settled this Colony, are allowed to be free-born subjects, and as such entitled to the privileges of the constitution as fully as those they left in England. The innumerable dangers, incredible labors, and hard-

¹ This paragraph is marked, in the margin of the draft from which we print, "To be omitted." Probably the Governor thought the sentiments expressed in it were already fully set forth in other parts of the letter. — Eds.

ships they underwent in coming to, settling, improving, and defending this country, (by which so large a territory was added to his Majesty's dominions, and the trade and wealth of the nation so much increased,) instead of being considered as a forfeiture, must be looked upon as a most powerful and meritorious argument that those privileges in truth do continue, and ought to continue, to us their descendants inviolate. In this light, most certainly, the matter was viewed by the Court in the reign of King Charles the Second, who was never thought to have too favorable a regard for the Puritans; yet that prince was pleased, for those very considerations aforesaid, expressly to grant to them, our fathers, and their heirs and assigns, the land described, and all the privileges and liberties contained in the royal charter to the people of this Colony; in which charter, we say, all the effectual privileges and liberties of the English constitution were clearly and expressly confirmed to the inhabitants of this Colony, and by the name of the Governor and Company of the English Colony of Connecticut in New England, and were made a body politic, with full power to enact and do whatever they found necessary for their well-being and defence; and the same has been allowed and recognized by the Crown in every succeeding reign, and by the Parliament and nation for more than a century past. Are we not, then, most clearly entitled to all the essential privileges and liberties of the English or British constitution, — by birth, by charter, by long uninterrupted usage and possession, and, in fine, by every claim of right that any people on earth can plead in their favor? And may we not say that no act made agreeable to the fundamental principles of the constitution can deprive us of the privileges of it?

The British constitution we conceive to be the most consummate system to answer the grand ends of government, founded on the reason and unalterable nature of things, — a resemblance of the divine law and model of

government, designed by Infinite Wisdom and Benignity to secure and advance the highest good, the moral and social happiness of man in the world. This, we are sure, has been the glory and boast of the nation, and in this we have ever esteemed them the happiest people on earth. And is it not clearly the law of Heaven, the Giver of all things, and a principle interwoven into the very essence of the British constitution, that whatever a man acquires by the proper exertion of his powers is his own, and no man or body of men may take it from him without his consent, by himself or his representative? How can the British Parliament take away the property of the Colonists, who make no part of that august body, and have no representative there? Can they be virtually represented by the House of Commons, and taxed by them as the representatives of the Colonists? Did the Colonists choose any of them? Do they depend on the Colonists in any measure for their seats in that honorable House? Do they bear any part of the burdens themselves that they lay on us? And is not all this included in the very idea of a representative in Parliament? 'T would be an affront to common sense to deny it. The glory of the constitution is, that it secures the rights, the liberty and property, of the subject; and we have ever esteemed it our chief glory and felicity that we were partakers of those inestimable privileges, — the offspring of the nation in a natural and political sense, and heirs of the distinguished blessings of our mother state, always rejoicing in her protection, in her glory and prosperity. How painful the thought, that we must be stripped of these darling joys of life, and with this most afflicting circumstance, to have it done by our mother state, where we naturally looked for protection, and by an act said also to be made agreeable to the British constitution, the effectual and inviolable principles of which were the grand security of our free and uninterrupted enjoyment! Nor will it be

enough to say, that, because we own ourselves to be a part of the British empire, and look to the mother state for protection, therefore that state must have a superintending power and right to make such laws as she shall judge necessary and best for the whole. Most surely the authority of the Parliament itself is limited and circumscribed by the constitution that formed it, and from whence it derives all its authority; and as it may be said with honor to God, the Supreme Ruler, that he cannot do wrong, because of His absolute perfection, so with due deference may it be said of the British Parliament, they cannot do wrong, cannot do any act by virtue of the authority given them by the constitution that will destroy it, or deprive the subject of the essential privileges of it. Admitting, therefore, that there is a superintending supreme power in the British Parliament to regulate and direct the general affairs of the empire, it cannot surely be inferred from thence that the British Parliament can, by an act made agreeable to the constitution, deprive the subject of the essential privileges of it. The supposition is absurd, and involves in it a contradiction. A revenue to the King is also considered by the principles of the constitution as a free gift of the people to the King; and how are the Colonists dishonored in that regard by this act, and deprived of the pleasure of testifying their affection and loyalty to their sovereign by a free contribution of their estates to the support of his royal person and dignity?

Nor is the disposition and manner of collecting of the revenue less grievous than the manner of raising it. The revenue is to be applied to the support of the administration of justice, civil government, and the securing and defending his Majesty's dominions in America. Has not justice been as well administered, and civil government as well supported, and good order kept in the American Colonies, especially in Connecticut, as in any other parts of his Majesty's dominions? What need of such

extraordinary provisions and expense at this time? Have not the Colonists gained their land by purchase and conquest, subdued and defended the same, when they were few in number, against a much more numerous foe, without any expense from the Crown? Why this extraordinary provision to secure and defend his Majesty's dominions in America at this day? We of this Colony doubtless have borne more than our proportion of expense, in treasure as well as blood, in every war the nation has been engaged in since the first settlements in America; and in the last war especially, as well as other times, have gone much beyond our ability to pay. Witness the credit we were always obliged to betake ourselves to, particularly in the last war, and the vast sums that still remain unpaid, notwithstanding the reimbursements of the Parliament of Great Britain. We are at perfect peace now, and want no aid for our own defence, and stand ready to exert ourselves to the utmost, whenever our safety or the safety of the nation shall require it. But the revenue, it may be said, is to secure and defend the new acquisitions. Are they not as well worth settling and defending as the lands we purchased, subdued, settled, and defended, without any aid from the Crown? These acquisitions have greatly diminished the value of our estates, drained off the inhabitants, and lessened our ability to bear the burden of the expense, and nothing can reasonably be required from us on that account. And we fear worse things may be the consequence of the provisions made in the act; for when we view this in connection with the Mutiny Act, what dismal apprehensions crowd into the mind! Our property taken from us by a sovereign act, and applied to the support of the administration of justice and civil government, and an army to be billeted also at our expense, that we stand in no need of on any account, but will debauch the inhabitants, — what is all this, in plain English, but to force the Colo-

nists to submit to support officers of justice, government, and war, perhaps strangers that they have no interest in or connection with but what arises from their offices alone? How grievous and dispiriting the thought! Such measures tend to take everything that is valuable in life entirely from us. The power that makes laws for us, the power that takes our property from us, that rules us, that judges us, that defends us, is entirely independent on us for appointment or say. Bare, naked power is an awful thing, and very unamiable to a people that have been used to be free. How unavoidably will jealousy and such bitter altercations arise between such officers and the people as will necessarily destroy the peace and happiness of society! How cruelly will such measures damp every generous principle of emulation in the hearts of the Colonists to contribute to the glory of the British empire, — destroy the life and spirit of industry, the fruits of which naturally flow to the centre of it? 'Tis obvious to observe that such measures are not less impolitic than unconstitutional. It is certain that such is our natural and habitual attachment and affection to the King, the British constitution and nation, such our pride, glory, and safety in the British empire, such our genius, business, and trade, that everything we can raise, and more than we can spare, naturally flow into the nation in remittances for their manufactures which we consume in the Colonies; and no part of the empire would more freely sacrifice their lives and their all for its glory and defence. Now to go into such measures as would break the spirits and discourage the industry of so great and well disposed a part of the empire must certainly not only be very inhumane, but extremely impolitic, — very prejudicial to the nation as well as destructive to the Colonies.

The administration cannot set easy upon them, until they have lost every generous feeling and laudable principle of action; and can it be expected that such a dejected

and dispirited people will have heart to clear and improve this wilderness, or care very much about the defence of it? Have we not hitherto been a quiet, industrious, and loyal people? has not the nation had the command of all our riches and strength? What can they have more? Are they afraid, if we are not soon restrained by force, we shall get out of their power? How vain and idle the imagination! There is nothing more foreign to the desires of the Americans. Where should we go? Don't we idolize the British constitution, government, and nation, and despise all other states in comparison thereof? Shall we set up a kingdom by ourselves? Every Colony has such peculiarities of their own that they are so fond of, that, if we had numbers and wealth sufficient, the Colonies would never unite into one state, and most certainly it could never be for their interest; and if we should increase ever so much in numbers and wealth, the avails of all our labor would certainly flow into the nation; and we venture to say, if the Colonies are treated friendly, and indulged their freedom, the course of their trade and business will always carry home their money and wealth; that it never will be in their power nor inclination to renounce their dependence on their mother country. And if the freedom of the Colonies is preserved, and this vast country comes to be subdued, what vast increase of wealth, numbers, naval and every sort of military strength, may she expect and receive from her Colonies and acquisitions in America?

Can a few customs, picked up by a new set of officers and their voracious dependents in a manner so odious to the Colonists, which, considering their course of business and the scarcity of money, will be very hard for them to pay, — can such customs, we say, in any measure, counterbalance the damage the King and the nation will sustain thereby? Moreover, did ever a trading nation before this send officers to the ports where they wanted to vend

their goods, and encumber the sale by laying heavy duties on the buyers, and be at such vast expense to maintain officers there which can be of no service but to discourage the trade? For the same revenue might be collected by the same duties on the same goods at home by the usual officers there.

It is demonstrable, in the opinion of the Assembly, that the true art and only good method of governing colonies well, and making them most subservient to the interest of the nation, is to preserve their freedom and encourage their industry and trade. Here is a vast country to subdue and people; and if the Colonists are indulged their freedom, no doubt but all this wilderness will become a fruitful land; and such measures will fasten the Colonies to their mother country by the happiest and most permanent ties. The nation will reap all the advantage of their industry, and increase in wealth, grandeur, and power more by this means than any other she is favored with. This, doubtless, is the true policy of governing the Colonies; and the want of the knowledge of this plain, obvious, and almost self-evident truth in the Ministry and nation, we fear, will be very detrimental to us and them, and perhaps ruinous to both.

You will not fail, then, to use your utmost endeavors, by the hints above mentioned, and all other arguments and means in your power, to make them fully sensible of it before it is too late.

I am, with great truth and regard, sir, your obedient and humble servant,

WM PITKIN.

In the Upper House. The within draft for a letter to W^m Sam^l Johnson, Esq., Agent for Colony, &c., is approved at this Board.

Test, GEORGE WYLLYS, *Sec.*

In the Lower House. Read and concurred.

Test, W. WILLIAMS, *Clerk.*

WILLIAM PITKIN TO RICHARD JACKSON.

Richard Jackson, Esq.

HARTFORD, June 10th, 1768.

SIR, — The several acts of Parliament passed the last year relating to the Colonies have been transmitted by the Secretary of State to the Governor and Company of this Colony, and laid before the General Assembly. We are deeply concerned at the tenor and import of some of those acts. We apprehend that they are directly levelled against our liberties, which are dearer to us than every other worldly enjoyment. The act laying certain duties upon paper, glass, &c., we can't but esteem as an infringement of our rights as Englishmen, they being articles necessary for our use and comfort, and we are prohibited from obtaining them from any other country than Great Britain; and these duties are expressly laid for raising a revenue in America, and so are really a tax imposed on the people of the Colonies without their consent, for they were in no sense represented in Parliament when this act for raising a revenue was made. And what security can the Colonists have for the enjoyment of their property, if their money may be granted away by others without their consent? It is always esteemed grievous to a people to be restrained in their trade, to be obliged to carry and vend their goods and produce only to a particular place or people, and from thence obtain the necessary articles of life and comfort; but it is intolerable to be obliged to take of them those articles loaded with such duties as they themselves shall see cause to lay upon them.

This can be done only because the enjoiners have force enough to see it effected; and viewed in this light, all freedom and liberty is at an end. Is it not to be feared that these hard measures will prevent the continuance of that good agreement, harmony, and confidence that

ought to subsist between us and our mother country? Is not mistrust and disaffection the natural result of restraint and oppression?¹

It can't once be supposed that the people of this Colony ever deserved ill of their mother country. Our ancestors, by royal approbation, for the sake of liberty, came into this country, then a wilderness, obtained part of the lands by purchase, and other parts by conquest, cleared, improved, and cultivated the same, repelled their barbarous enemies, and guarded themselves with unparalleled courage, expense, and fatigue, and in the smiles of Divine Providence this Colony is become a considerable addition to his Majesty's dominions; and this has been brought about without any expense to the Crown or our mother country. And we have not only settled and maintained ourselves, but have afforded aid to the British Crown in every war since our planting here for subduing and repelling the enemies of the British nation abroad, and have cheerfully complied with all royal requisitions to our utmost ability, and even beyond our just proportion. Our ancestors were Englishmen before they left their mother country; they brought their English liberties and immunities with them, always acknowledged their allegiance to the Crown of England, even before the Charter; and for the consideration of their having purchased and conquered the country, his Majesty King Charles the Second, by his royal charter granted and confirmed to them all the lands therein described and incorporated, and made them a body politic, and gave them power to make all laws and ordinances for the well governing of the people, whereby the right of legislation and taxation is invested in the General Assembly of the Colony. We are now not to be considered as indi-

¹ This paragraph is marked "To be omitted" in the original draft from which we copy.—EDS.

vidual emigrants from England, but a body politic, subjects of the British Crown. We have, ever since that charter was made, been treated with as such. All requisitions have been made upon us by the King, and complied with by the General Assembly of the Colony. It is expressly declared and granted in the charter, that the people of this Colony should have and enjoy all liberties and immunities of his Majesty's free and natural subjects born within the realm of England, by which it appears that we are entitled to all the rights of Englishmen, and all privileges and immunities of the British constitution, which secures to all his Majesty's free subjects the enjoyment of their properties, so that no part of it may be taken from them without their consent, given either in person or by their representative. And as the people of this Colony are not, and by reason of their local circumstances cannot be, represented in Parliament, we apprehend they cannot be subjected to the payment of any duties or taxes, for the purpose of raising a revenue by act of Parliament, consistent with their constitutional rights.

We are emboldened to say that his Majesty has no subjects more loyal than the people of this Colony. Not a disloyal thought lurks in the breast of any one; and nothing but the most plain and severe oppression can violate our attachment to our mother country, whose welfare and our own we esteem inseparable. It is with anxiety that we view the uneasiness of the people here, occasioned by measures which they esteem hard and unconstitutional. We can't but be of opinion that the interest of Great Britain and the Colonies also is much disserved by these restrictions. And what necessity can there be for these measures, or what advantages will accrue to his Majesty or the nation thereby? The charges of the administration of justice and support of civil government in the Colonies may be provided for by their respective Assemblies, as usual, in a way much more agreeable and

less expensive to them. And will not great part of the moneys arising by these duties be expended in supporting a Court of Commissioners of Customs, and their officers, for the management and collection of a revenue in America? And may not the trade of the Colonies be as well regulated, and the acts of trade duly executed, as heretofore, by a collector at each port, without the expense of such a multiplicity of new officers, which must be very burdensome to the Colonies at a time when they are groaning under a heavy load of debt incurred by the late war? And it is apprehended that maintaining troops in the Colonies now, in this time of profound peace, would be an unnecessary expense, and have an unhappy tendency to produce uneasiness among the people, hurt their morals, and hinder their industry.

The Governor and Company have presented a humble petition to the King for redress of their grievances; and have addressed a letter to the Earl of Hillsborough, one of his Majesty's principal Secretaries of State, and we desire you to make known our sentiments to his Majesty's Ministers, and implore a favorable consideration of America.

We apprehend, further, that the establishment of an Episcopate in America will tend to heighten our difficulties, throw us into a very disagreeable situation, and have the most fatal tendency to complete our misery. I am, with great truth and regard, sir,

Your obedient humble servant,

RICHARD JACKSON, ESQ.

WM. PITKIN.

In the Upper House. This draft for a letter to Richard Jackson, Esq., Agent for the Colony, &c., is approved at this Board.

Test, GEORGE WYLLYS, *Sec.*

In the Lower House. This draft, &c. is approved.

Test, WM. WILLIAMS, *Clerk.*

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, July 23d, 1768.

SIR, — I received your favor of the 11th of March, a few days ago, and was in hopes I might, before an opportunity offered to return an answer, be able to inform you with some certainty when we might expect the Mohegan Case would be determined; but, unhappily, we remain in the same state of uncertainty as when I wrote you last. And as the time for the recess of the public boards is now approaching, it is much to be feared that it will be delayed till they resume business again in the autumn. However, I do not yet quite despair but that it may be ended before they break up, so that I may yet return to America before winter, which I very much wish to do. It must certainly appear very surprising to those who are not well acquainted with the state of things here, that I should be still detained upon a cause which the Colony were notified to attend the final decision of, so long ago as the beginning of last February, twelve months; but there is no hastening the people in power here. They will take their own time for business, and we have only to submit to their measures, and attend them when pleased to appoint us.

I have already acquainted you that the outlawry of Mr. Wilks was reversed, and have no need, I believe, to add (as every newspaper is full of his affairs) that the final judgments against him were for twenty-two months' imprisonment, £1,000 fine, and to stand bound to his good behavior for seven years. His friends thought these judgments very severe; but though the proceedings against him continue to be the subject of much warm altercation in the public papers, yet the noise and tumult with respect to him begins a good deal to subside. The justice

of peace who gave the orders for firing at the late slaughter of the people assembled at the King's Bench Prison has been tried upon an indictment for murder, and acquitted; the officer who commanded the party, and some of the soldiers, will take their trials at the next assizes. Many have been tried and punished for the late riots, &c., and nine coal-heavers executed for murder, &c. committed in those tumults. There are many prosecutions still depending, and by the various methods pursued by government the late mobs are pretty well quelled, and the town is now in tolerable quiet.

It has long been expected that Lord Shelburne would soon quit the administration; but he still keeps his ground, and his friends seem to think he has of late gained some strength. Some lesser changes have taken place; but the most material one that has occurred with respect to the Colonies is, that Lord Clare has taken the vice-treasurership of Ireland, and Lord Hillsborough is again placed at the head of the Board of Trade, so that in this capacity and that of Secretary of State for the Plantations, which he still retains, he will have almost the entire management of American affairs in his own hands. I have already given you my sentiments of him. If, indeed, one might lay any stress upon his declarations, which are extremely warm and friendly to the Colonies, and did not think them rather the language of the courtier than of the minister, we might expect everything favorable from him; but when one attends minutely to his character, and observes attentively those principles of government which he holds, the rules of conduct which he lays down, and those unfavorable hints which, as it were by accident, fall from him, even amidst those pompous declarations of affection for the Colonies, I cannot but apprehend that we have, upon the whole, much more to fear than to hope from his administration.

I should have mentioned to you when I wrote last, (but

that my information was too vague to be relied upon, nor have I been able since to obtain any intelligence absolutely to be depended upon though I think it probable that I am not misinformed,) that orders are gone to Governor Barnard to require the Assembly of his Province to erase their late resolves approving of the resolutions of the town of Boston with respect to the importation and use of British manufactures, their circular letter, &c., and in case of their refusal, to dissolve them; to make the like requisition of the new Assembly which he shall convene, and if they refuse, to dissolve them also, and so *toties quoties*, until there is a compliance with the demand; that the other Governors are ordered also to dissolve their respective Assemblies, in case they attempt to make any resolves, or take any steps of the like nature. I hope, indeed, that I am misinformed, and that so despotic a measure has not been in fact adopted; but it is certain they are enough offended at every measure taken there to prejudice the trade, and prevent the consumption of the manufactures of this country. The approbation, also, which the Farmer's Letters have so generally met with in America, gives much umbrage. Many do not hesitate to affirm that it is a treasonable, seditious paper; that the author and publisher ought to be prosecuted, &c. A writer in one of the papers proposes a more reasonable method, and promises the public to give an answer to them. He will, I think, find he has undertaken a very difficult work, and it is most probable it is only a puff; but if he appears to be a writer of any merit, I hope the Farmer will reply, that the rights of the Colonies may be fairly canvassed, and established upon the firm basis of reason and argument.

The petitions from the Massachusetts Bay, and another from Virginia, penned, it is said, in a still freer style, and requesting the repeal of the late act, not as a favor, but as of right, though they have not been presented in form,

have yet engaged the attention of the politicians, and are freely enough censured. Some of the Ministry, I am told, have said they wish they may be fairly able to repeal the act, not because the Americans are uneasy with it, nor for the reasons they urge, but as being in its principle prejudicial to Great Britain, and to be considered in no other light than as giving premiums to encourage American manufactures, for which reason, say they, we were equally fools to make, and the Americans to find fault with it. But the consideration and thorough canvassing of all these matters seems, by common consent, to be referred until the meeting of Parliament, which it is now expected, will be a very interesting and busy sessions, both for this country and the Colonies.

I have made all the inquiry I could, since I received your letter, concerning writs of assistance to custom-house officers, but cannot yet perfectly satisfy myself with respect to them. It is surprising how little attention gentlemen here pay, and how slender intelligence they can give one relative to things not immediately within their own departments. It seemed to be clearly the opinion of several lawyers that I spoke with upon the subject, that they were not issued but in particular cases, and upon information on oath; not in general terms, nor to be made use of as general warrants at the discretion of the officer, which appeared to me to be the only legal and reasonable method. But upon application to the clerks of the Exchequer for copies of the usual writs issued here in cases of this nature, they have furnished us with the enclosed, which you will see are very general, and not grounded upon any particular fact or information; and they add, that all the additional instruction beside what the writs express and direct is that the King's officer take unto him a peace officer if he breaks open any house or place. I am not satisfied, however, that this ought to be the procedure in Connecticut; nevertheless,

I thought it expedient to forward these copies to you as soon as I could; but shall continue to make farther inquiry into this matter, and, if anything material occurs, it shall be immediately communicated to you. The Mediterranean passes have been at length obtained; with what difficulty, &c., Mr. Jackson has, I presume, fully informed you. They cost £15, and go by Captain Miller, under the care of Mr. Tiler, via New York. I wish them safe to your hands, and am, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

P.S. While this letter waited a conveyance, the intelligence relating to the commotions in Boston has been received here with equal concern and indignation. The impressions it at first made were surprising; the merchants were in fear for their property and their trade; the stocks fell greatly, and there seemed to be a general consternation; but indignation soon took place of every other sentiment, and all parties united in denouncing vengeance (as they expressed it) against that insolent town. A cabinet council was immediately called, and they have sat several times since upon the subject. Their determinations have not yet transpired; but it is generally believed that troops and ships of war will be ordered out to join those already supposed to be there from Halifax and New York, with instructions to reduce the town to order and hold it under a strong military restraint. The newspapers indeed go farther, and tell us that Lord How is actually ordered out with a strong squadron, that transports are hiring, men-of-war getting ready, artillery and stores embarking with all despatch at Woolwich, and that everything wears the face of war. All this, however, is denied by many, and some say the Marquis of Granby is first to visit the Colonies and make report before any

force is made use of, with variety of other conjectures not worth mentioning. The truth is, I believe, no man not in administration yet knows what has been resolved upon, if indeed any resolutions are yet actually taken; and since there are such repeated deliberations upon this business, I have some hope that there will be time for the present indignation to cool, and give place to moderate and prudent counsels, before any measures are absolutely gone into; which all the remaining friends of the Colonies will labor for. After all, I own I tremble for Boston, and am in deep concern for the other Colonies. Connecticut yet stands in as fair a light as any one of them, and I hope the same prudence and good conduct by which that Colony has been hitherto distinguished will, under the Divine protection, still preserve her from every misfortune. It is now no longer made a secret of by the Ministry that the orders I have mentioned relative to the dissolving the Massachusetts Assembly were issued some time ago; which I presume was the reason also for ordering the troops there from Halifax and New York.

Lord Hillsborough has said openly "that it had been agreed upon, by himself and others in administration, to repeal the late act; and that it would undoubtedly have been done had not these disturbances happened, by which it should seem that the Colonists were resolved to trample upon the authority of Parliament, and insult the officers of the Crown upon every occasion, and carry all their points by violence and tumult, which must prevent their friends from serving them here, however good dispositions they had towards them; that these outrages were no longer to be borne with, and some method must be gone into for the better government of a people so prone to violence and riot," &c. They forget upon these occasions the very frequent tumults and riots in this country, or think they are crimes of a much deeper dye in America than in England. They need to be reminded that all

free states are subject to these inconveniences, and that the only effectual way to prevent them is to govern with wisdom, justice, and moderation. I remain, with the utmost respect,

Your Honor's most obedient, humble servant,

W^M SAM^{LL} JOHNSON.

LONDON, July 30th, 1768.

There is much talk in town of a war with France, &c.; but the most sensible people think there is at present no reason to apprehend it. Lord Bottetourt is going out Governor of Virginia; he is a Lord of the Bedchamber; of great affability, a soft address, attentive to business, and in high estimation here; but from some things I have heard fall from him in the House of Lords, I fancy the Virginians will not find him so great a friend to American liberty as they could wish.

Indorsed, "Received October 3d, 1768."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, October 20th, 1768.

SIR, — Your favors of the 6th and 10th of June, enclosing copy of the petition to the King, &c., and their duplicate, both came to hand together, ten days ago, and were very soon succeeded by that of the 25th of August. Immediately upon the receipt of the first, I waited upon Lord Hillsborough to inquire after the original petition; when he informed me it was just come to hand, and that he should that morning present it to his Majesty. Though I was before no stranger to his Lordship's sentiments upon this subject, yet both then and in a second audience, which I have since had, I insisted largely upon those arguments so judiciously and fully stated and urged in

yours of the 6th of June in support of the petition, endeavored to point out to him in the fullest manner the ill consequences which must unavoidably attend the adhering to such injudicious regulations, and begged his Lordship's attention to the subject, and favorable interposition to obtain for us the repeal of an act so very grievous to the Colonies and prejudicial to the interest of the whole empire.

His answers were, in substance, that I might assure my constituents that his Majesty and his Ministers were sincerely disposed to give the Colonies every relief consistent with the constitution; that one of the first things he had proposed to Lord North at his coming into administration was the repeal of this act as being extremely anti-commercial. "But," says he, "the Colonies have rendered it impossible, by imprudently uniting to dispute the right of Parliament, which, since the late declarative act especially, we cannot permit to be called in question. I am sorry that your Colony, which you have so often represented to me in so favorable a light, have listened to the factious suggestions of the Massachusetts Bay. Had they petitioned on the ground of inexpediency only, they would have succeeded; but while you call in question the right, we cannot hear you. It is essential to the constitution to preserve the supremacy of Parliament inviolate; and tell your friends in America as my opinion, — and it is that of an honest man, at least, for I will not pretend to be a very wise one, — that it is as much their interest to support the constitution and preserve the supremacy of Parliament as it is ours. Neither of us can be safe but upon that ground. You mistake, too, in petitioning the King alone, and (as some others have done) remonstrating to the House of Commons. He cannot, you know well enough, repeal acts of Parliament; and we understand very well why you take this step. But let me tell you it will only serve to excite the indigna-

tion of Parliament, before whom I expect the petitions will be laid by his Majesty. What will be done, I will not pretend to foresee; but depend upon it, Parliament will not suffer their authority to be trampled upon. We wish by every reasonable means to avoid any severities towards you; but if you refuse obedience to our laws, the whole fleet and army of England shall enforce it." Upon the general principle of right, he said, he had read all that had been written upon it; and if the arguments we urged proved anything, they equally concluded to an exemption from all laws of what kind soever made by Parliament while we were not represented there, which could never be admitted, and which the Colonists themselves did not even pretend to. "You have not," said he, "disputed our right to make laws to regulate your trade; and he must be a very weak Minister indeed that cannot raise a sufficient revenue by such regulations. The American writers have admitted that we could make laws to affect your lives and liberties, *a fortiori*, we can bind your property." I answered these observations and objections upon the usual grounds and distinctions, which have been so often urged, and which I need not repeat to you. After much conversation upon the subject he said, "It is in vain for you and I to dispute these points. Parliament will decide upon them. I hope they will take the matter up coolly, but fear they will be in a blaze when they see the Virginia petition; and it will be happy for us if we can stop the torrent." Such, in brief, is the language of the American Minister. Notwithstanding this, many think the act will finally be repealed. It must be confessed, it looks at present rather doubtful; but there is room to hope that some expedient may be hit upon to save the honor of Parliament, about which they are so exceedingly concerned, and at the same time to get rid of the act, which is agreeable to none on either side of the question.

I have since seen most of the agents for the Colonies. Those who have received their instructions (and it is hoped that those who have not will very soon receive them) seem disposed to enter heartily into the matter, and do everything that shall be thought requisite upon this interesting occasion, for which purpose we shall very soon have a meeting to consider the subject, and lay down a plan to be pursued by each individual in their several applications. For Mr. Jackson, myself, and some others, I can answer that no step will be omitted which may tend to obtain the wished for relief, and hope that all the rest will be equally in earnest. The merchants say they had no thanks for what they did upon a former occasion, and do not seem yet to interest themselves much in our favor. Should they embark in the cause, it would give great weight to our solicitations. Measures are therefore taking to engage their assistance to counterwork the effect of the agreements which have been entered into at Boston and New York, to import no goods until the act is repealed. It is affirmed in the public papers here that some of the subscribers to those agreements have notwithstanding ordered goods, but desired their invoices may be antedated, so as to save appearances. I have made an extensive inquiry among the merchants, and hitherto find no ground for this assertion, nor will yet believe that any American of consequence can have been guilty of such detestable tergiversation; yet unhappily the report gains credit, and with too many places us in a most contemptible and ridiculous light. Several of the late political writers here have taken up the idea of an incorporation of the Colonies with Great Britain, and urged the necessity of admitting them to a representation in Parliament, in order to put an end to the present disputes. It may perhaps even be proposed in Parliament; but if it should, it will be opposed by others as well as by all the friends of the Colonies, and there is

little danger of its making any progress. The present conjuncture is extremely critical, both with respect to Great Britain and the Colonies. The state of the nation is allowed on all hands to be very deplorable. The minds of all sober men are alarmed, and in anxious, gloomy suspense, waiting to see what course will be taken by Parliament, on whom all depends, and who are to assemble the 8th of next month. Meantime the struggles of party are continued. Lord Chatham has resigned the Privy Seal, which is not yet redelivered, nor, it is said, the resignation absolutely accepted. Lord Shelburne has given up his office of Secretary of State, and is succeeded by Lord Rochford, late Ambassador at the Court of France. Other changes are expected, but what effect they will have upon the public measures we are at a loss to determine.

I am happy to find that you have remitted a farther sum for the supply of our heavy expenses here. I do not yet know that the bills are come to hand, though I hope they may have reached Mr. Jackson, who has been some time in the country. The relief will be very seasonable; for I assure you I have been some time already out of public cash, and am now living entirely upon credit. The state of the Mohegan Case is such that we may undoubtedly expect it will be tried some time this winter; and since the Assembly choose I should attend the event of that, as well as of the petition to the Crown, and it is both my duty and my inclination to render them every service in my power, I have given up all thoughts of returning until they are both determined, and you may rely upon it shall continue to give the most assiduous attention to those matters, and to everything else that concerns the Colony. I remain, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, November 18th, 1768.

SIR, — Soon after I wrote you of the 20th of October, we received the intelligence of the proceedings of the town meeting at Boston, relative to the proposed convention to meet at Boston on the 22d of September. The votes they passed disclaiming all obligations to obedience to laws passed without a representation, and the intimations they gave relating to the troops and the preparation of their arms, were considered here as steps directly tending to rebellion. It was expected that the troops would be opposed, should they attempt to land; that Massachusetts Bay, if not all the Colonies, must henceforward be considered as in a state of actual rebellion; and measures were concerting to proceed against them in that light. It was justly esteemed a dreadful and destructive conflict which they were about to engage in, yet they were determined to undertake it at all hazards, and to rely upon the superiority of their arms for the support of their authority in America. They saw the event with horror, yet seemed to think it absolutely necessary to meet the danger, and hazard everything rather than recede in the least degree from the plan they had adopted with respect to that country. During this period, nothing but war and dissolution were thought of. All hopes of the repeal of the late act, or any reconciliation, seemed to be at an end. Such was the situation of things here when the news arrived that the troops had landed at Boston without opposition; that the convention had dispersed without doing anything material, and all thoughts of resistance were at an end. The pleasure this intelligence gave was inexpressible. Joy appeared

in every countenance, and nothing was to be seen but mutual congratulations upon the happy event. The spirit of resentment subsided.¹ To this succeeded a calm contempt of that people, and the Bostonians are now considered as having made a vain bluster and parade to no purpose. However disreputable this might be with respect to them in particular, yet it became a ground of hope with respect to the Colonies in general. It was in fact an answer to one of their great objections against the repeal of the act, and a clear confutation of the assertion that the Colonists were ripe for rebellion, and were determined to resist with force the authority of this country.

Such was the state of things when Parliament opened on the 8th instant, and was uncommonly full. The King's speech you will have seen in the public papers, of which perhaps I must say no more than that it is sufficiently severe upon us. It is always in the House considered and treated as the speech of the Minister; and we are, without doors at least, at liberty to imagine it to be so, though perhaps we may not remark upon it as such. The address of the Commons occasioned a long debate, or rather conversation (as they call it here when

¹ The proceedings in Parliament narrated in these interesting letters, as well as the effect they produced in Massachusetts, notably in Boston, are familiar to the readers of our ante-Revolutionary history. The Townshend Acts and the appointment of Commissioners of the Customs, following the repeal of the Stamp Act, furnished occasions for reviving the irritation, which had begun to subside. The news of the riot in Boston in June of this year, occasioned by the seizure of Mr. Hancock's vessel for a false entry made by the master, had reached London by the latter part of the following month, and the effect of it in London is described in the postscript (dated the 30th of July) to Mr. Johnson's letter of the 23d. The excited proceedings which followed in Boston, and which culminated in the meeting of a convention of delegates in that town on the 22d of September, chosen by several of the towns of the Province, are related by Hutchinson in the third volume of his History. "That the convention dispersed without doing anything material," was probably as much a surprise to Bernard and Hutchinson as it was to the King's Ministers. — Eds.

the speakers are not restrained to particular points of argument), which continued till near midnight, in the course of which the state of affairs at home and abroad, both with respect to the Colonies and foreign powers, was largely considered. The danger of a war, the attack upon Corsica, the discontents of the people, the prostration of government, the confusion of the finances, the decay of commerce, &c., &c., were abundantly insisted upon; and Administration were reproached with great severity by the Opposition for their unsteadiness, negligence, insufficiency, and want of wisdom, firmness, and spirit. Upon that part of the address relating to America, a question was made whether they should so fully approve the measures which had been pursued there by Administration; and Lord Hillsborough's mandate to the Massachusetts Bay Assembly, to rescind upon pain of dissolution, was very freely censured. Mr. Greenville himself upon this occasion became the advocate of the Colonies, and declared it to be an illegal and unconstitutional step, an arbitrary attack upon the rights of a corporation, and an exercise of power which belonged only to the supreme legislature of Great Britain. The disobedience of the Colonies, particularly of the Massachusetts Bay, and the combinations not to import goods were largely expatiated upon; and the late convention and resolutions, particularly with respect to the furnishing themselves with arms, were treated as highly seditious and treasonable, meriting a severe chastisement. Some, on the other hand, were so good as to defend and excuse in some respects those proceedings; and Alderman Beckford went so far as to say they had better repeal the late act, and conciliate the Colonies by moderation and kindness; to which the Chancellor of the Exchequer,¹ who is considered as

¹ Lord North. — Eps.

the Minister in the House, was pleased to reply that he would never think of repealing it *until he saw America prostrate at his feet*. "America," says he, "must fear you before they will love you." Some, however, thought this too severe and absolute, and chose to leave it open to farther consideration, though in general they seemed to think it could not be done in the present state of things. Many of the speakers lamented the repeal of the Stamp Act as a fatal giving way to the Americans, and reproached Lord Camden and Lord Chatham for the part they had taken in it, which the Rockingham party defended upon the ground of expediency, but nobody upon the principle of right, it being almost universally given up as completely settled by the late declaratory act.

Upon the whole, the temper of the House seemed to be enough against us, though not so violent as many feared. I do not, therefore, yet quite despair of our obtaining some relief, though I think we must expect that Boston will meet with some chastisement. No day is yet assigned for resuming the consideration of these matters; but it is expected they will not be very long deferred. The agents have had several meetings upon American affairs, and all appear heartily disposed to co-operate together, and will, I believe, exert themselves to the utmost in the service of their constituents, however unfavorable may be the prospect of success. Mr. Wilks has petitioned Parliament for relief, stating all his grievances, and the whole proceedings against him from the issuing of the general warrant to the day of his final commitment to the King's Bench Prison. The petition is ordered to lie upon the table, and the records of the proceedings against him to be brought up by the proper officers, so that the House may be possessed of the whole matter. The much litigated contest relating to Sir Jeff. Amherst was settled (it is said by express royal mandate) a day or two before the meeting of Parliament. He is restored to

his regiments, is to have a pension, is promised a peerage, &c., &c. Lord Bristol has the Privy Seal, in lieu of Lord Chatham. The former was the avowed friend of the latter; and it is now a question agitated among the politicians whether Lord Chatham's interest will be thrown into the scale of Administration or into that of Opposition. The Duke of Newcastle died yesterday; and his party, which has been long decaying, will now no longer exist as a body, but be divided among several others.

There was last night, for the first time this session, a division of the House upon the question relating to the late negotiations with France, which Administration carried 232 to 84, which shows the great superiority they at present possess in the House. It may indeed diminish, when the contested elections are all settled, but will no doubt continue, after all, sufficiently large to enable them to carry any point which they shall effectually engage in. I remain, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

Indorsed, "Received January, 1769."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Hon. William Pitkin, Esq.

LONDON, January 3, 1769.

SIR, — Parliament having now taken the usual recess for the holidays, and adjourned to the 19th of January, I am to acquaint you with what has hitherto occurred relating to the Colonies. The Agents having had various meetings, and concerted the best measures they could devise for effecting the good purposes aimed at by their constituents, in pursuance of the plan agreed upon, among

other steps repeatedly, but separately, waited upon Lord Hillsborough to solicit this important business. His Lordship, for some time, only entered into general discussions upon the subject, but gave no determinate answers, till at length he acquainted us that, it being necessary that the matter should soon come before Parliament, a Cabinet Council would be held to determine the measures which government would take upon this occasion; after which, to save him the trouble of a particular explanation with each individual, he wished us to attend him together, which we accordingly did. He then acquainted us, that Administration had taken the matter into consideration, and concluded to enforce the authority of the Legislature of Great Britain over the Colonies in the most effectual manner, but to proceed therein with all the moderation and lenity that the nature of the thing would admit of; that all the petitions they had received were very offensive, as containing a denial of the authority of Parliament to bind the Colonies by their laws, though some of them were expressed in more decent terms than others; that as to the acts complained of, they had no particular fondness for them, and particularly the late Duty Act was so anti-commercial that he wished it had never existed, and it would certainly have been repealed had the Colonies said nothing about it, or petitioned only upon the ground of its inexpediency; but that the principle they went upon equally extended to all laws whatsoever, and they could not therefore think of repealing it, at least this session of Parliament, or until the Colonies had properly submitted to the authority of Parliament and dropped the point of right; that the conduct of the people of Boston, in particular, had been such as rendered it impossible for government to recede in the least degree, or even let their proceedings pass without a severe censure, and that the matter would in a few days come before Parliament, when he hoped we should see that the sense

of the Legislature was conformable to that of Administration. To this general declaration he added his usual observations in support of his general principles and the necessity of obedience on the part of the Colonies; which were again answered, and the various arguments in favor of the Colonies fully urged, by the Agents, in the course of a lengthy discussion; but he remained inflexible, and left it to the decision of Parliament. Accordingly the papers relating to the Massachusetts Bay were immediately laid before both Houses. It was soon evident that Administration chose to confine the attention of Parliament, for the present, only to what had passed in Massachusetts Bay, for Lord Hillsborough in the House of Lords and Lord North in the Commons only acquainted them that they were possessed of a memorial to the Lords, and a remonstrance to the Commons from Virginia; but that they were so very offensive that they would not produce them unless they were directed by the respective Houses to do it, and they have not yet been called for.

After some days spent in reading and considering the papers, the matter was first taken up in the House of Lords, when Lord Hillsborough opened the subject with a very long speech, in which he expatiated upon his affection for the Colonies and attention to their interests, the views he had in coming into that branch of administration, and his real intention to serve them to the best of his abilities; gave a history of the proceedings relative to the Stamp Act, and his own opinions with respect to it; said it had been always his opinion that nothing was more clear than the right of Parliament to tax the Colonies; but that he thought the Stamp Act was inexpedient, had advised against it when first proposed, and voted for its repeal upon that principle, as he believed almost everybody else had done; — that he hoped the repeal of that act, together with the Declaratory Act, would have established the right, at the same time that it gave peace to

both countries; but was very sorry to find it had not produced that good effect; — that the Colonies, and especially the Massachusetts Bay, had gone on ever since to deny the right, and to call in question the authority of Parliament upon every occasion, and, instigated by flagitious and designing men, had carried their opinions into practice, and broke out into the most violent resistance to the laws and abuse of the King's officers, into riots and tumults destructive to all good order and legal government. And having dwelt long and largely upon this subject, and mentioned minutely the occurrences at Boston, and given a comment upon them showing their nature and tendency, he said the matter was now brought to a point; that Parliament must now give up its authority over the Colonies, or they be brought to effectual submission to its laws; that he thought their Lordships would see it absolutely necessary to stand firm, and not recede an ace; that for his part he could not entertain a thought of repealing the late acts, and hoped nobody would even move it, or so much as wish for it; that it was not the amount of the duties (which he believed would not be more than £8,000 or £10,000 per annum in all North America) that was complained of, but the principle upon which the laws were founded, the supremacy and legislative authority of Parliament, — a principle essential to the existence of the empire; that legislation and taxation were essentially connected, and would stand and fall together; that the notions the Americans entertained (which he called a polytheism in politics) were the most absurd that could be imagined, fatal to the constitution, and must never be admitted here; that, however, he wished them to proceed with moderation and temper; that he considered the North Americans in general as a very good set of people, and only misled by their leaders, — a *few* wicked, factious, and designing men (upon whom he was most severe), but who he hoped might by prudent

and moderate measures be brought to a sense of their duty, and a submission to Parliamentary authority; that therefore he would, for the present, only propose to them to come to several resolutions which might show America the sense of the legislature upon this subject, and convince them of the firm purpose of this country to maintain its authority over its Colonies, by means of which he hoped they would see their error and quietly submit, in which case it would be right to give them every relief and encouragement that they could reasonably desire; that this he hoped would be sufficient, but if it was not, that the hand of power must be so lifted up, and the whole force of this country exerted to enforce its laws, and bring the Colonies into due subjection. Having largely canvassed all these topics, he finally concluded with reading his resolutions, a copy of which I enclose. He was seconded by the Duke of Bedford, who also proposed in addition the address to his Majesty. Lord Temple rose next, and said he had come down to the House that day in hopes that Administration would open to them some large, wise, and well-concerted plan with respect to the Colonies, which might put an end to this dispute forever; but that this which they had proposed appeared to him to be totally insufficient; that he was weary of a paper war; that something more effectual must be done to bring the Colonies to due submission; that their resolutions would answer no good purpose, and were so insignificant and futile that he would neither give their Lordships nor himself any farther trouble with them; and went abruptly out of the House. The Duke of Grafton then, and after him the Earl of Holderness, went over the same general topics which Lord Hillsborough had insisted upon, expressed the same sentiments, approved of and supported the proposed resolutions. The Duke of Richmond and Lord Shelburne alone spoke on the other side, and endeavored to excuse some part of the proceedings at

Boston, and found fault with particular clauses of the resolutions; but avoided going particularly into the subject, reserving themselves, as they said, (for what reason I cannot imagine,) for some future opportunity. They were answered by Lord Waymouth and Lord Hillsborough, and the resolutions passed without farther opposition, and were immediately transmitted to the Commons for their concurrence, who (being engaged in the disputed elections and other matters) adjourned the consideration of them to the 23d of January. Our once zealous friend, Lord Camden, now Lord Chancellor, said not a word during the whole debate. Such changes do place and power produce! The enclosed copy of the resolutions is such as they were first proposed by Administration; but the 5th and 7th, relating to the Council, were dropped, and never offered to the Lords; otherwise, I imagine they would have passed as readily as the others.

It is certain Administration can carry these resolutions through the House of Commons if they please; yet some of our friends there wish us not to give up all hopes of seeing them rejected, and even the repeal of the offensive laws moved for, and, to encourage us, foretell many alterations in Administration before the 23d of January, or at least a change of sentiments in those who are to act, and particularly wish that the Colonies may take no steps upon what has already passed, nor until they hear farther. For my own part, I have seen so much of the uncertainty of all political conjecture, and know so well the sentiments and strength of the Bedford part of Administration, who now carry all before them, and are only moderated, not restrained, by the small remains of the other party, that I have, I own, little hopes of any relief while they continue in power. However, I am willing not to despair, and at all events think it our duty still to make the best we can, even of an almost desperate game; and it is possible we may even

yet excite a vigorous opposition in the House. It is surprising how few friends we have there, who are so upon real principle. I fear I could not name above five or six; but those who will be so upon the ground of opposition may be pretty numerous, though I fear all too few to stem the present tide, which sets strongly against the Colonies. But however little prospect there may be of relief from the present applications here, the Colonies have no reason to despair; their safety is with themselves. Frugality, industry, attention to their own true natural interests, and a prudent conduct, will eventually render them superior to all opposition, frustrate the ill effects of the present misguided policy of this country with respect to them, and in the end set us all right. These resolutions are, I think, after all, proposed by Administration to please the people here, and give them the appearance of a bold, firm, and spirited Administration, rather than with any expectations they have that they will produce much effect in America, unless it be to frighten some persons whom they wish to restrain by the terrors of the old, musty, misapplied statute of the 35th of Henry VIII.

As a farther punishment to the town of Boston, the seat of government is to be removed for the present to Salem. The petitions to the King are answered by letters to the several Colonies; that to Connecticut you will, I presume, have received long before this reaches you, and it now seems as if Administration did not intend to lay them before Parliament, but confine their attention, for this session, only to Massachusetts Bay, though they will certainly be moved for in the House of Commons. The Pennsylvania petition (the only one to the Commons) was offered to the House some time since, but objected to as denying the authority of Parliament, and contradictory to the declaratory statute; and it appearing that it would be rejected if pushed, it was thereupon withdrawn for that time, but will be offered again at a more proper time, though there is

little hopes of its being received. It is given out that if the Colonies are quiet, and show a proper submission, that probably, next session, the Duty Act will be repealed, and no others be in future proposed ; that the right, being once established, shall not however be exercised, and the controversy suffered to sleep. How far this may be relied upon, I will not pretend to say. Administration avail themselves of every appearance of want of union in the Colonies, and have plumed themselves much upon the refusal of Pennsylvania and the Southern Colonies to come into the agreement not to import goods. The Opposition now speak of Lord Hillsborough's order to dissolve the Massachusetts Assembly in more favorable terms, and do not seem to think it so irregular as they did at the first opening of Parliament. The troubles in the North threaten to involve all Europe again in war ; and, it is said, Russia has actually demanded the aid of a British fleet against the Turks, pursuant to treaty. If these dangers increase, we shall find more moderation on this side in the American dispute.

Sergeant Glyn, the friend of Mr. Wilks, notwithstanding the most spirited opposition by Sir William Beauchamp Proctor under the countenance of the Court, and a dangerous riot in which two or three persons were slain, is elected member for Middlesex in the room of Mr. Cook. The Lords have censured some late publications of Mr. Wilks relative to the slaughter last May in St. George's Fields, and the Commons have adjudged the consideration of that, and the whole of his business, to the 27th of January, and it is expected it will then produce a warm contest in the House ; meantime, he was yesterday chosen one of the Aldermen of London, and his interest, which was some time ago at a very low ebb, seems now again reviving. The papers say with confidence that a revolution in Administration is agreed upon ; that the Duke of Grafton with all his connections go out ; that

Mr. Greenville will be placed at the head of the Treasury, and with his friends join the Bedford people already in power. It would be a natural alliance, and I should not be surprised to see it take place; but as I shall not have time before the mail is closed to examine into the grounds of the report, I give it you only as the news of the day, and not greatly to be relied upon.

Nothing new has occurred with respect to the Mohegan Case, nor can we yet determine with any precision when it will come to trial, though we have reason to expect it will be soon. I remain, with the greatest respect and esteem,

Your Honor's most obedient and very humble servant,
W^M SAM^{LL} JOHNSON.

Indorsed, "Received 8th of March."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

LONDON, February 9, 1769.

SIR, — My last but one enclosed you copy of the resolutions of the House of Lords relative to the proceedings at Boston, the consideration of which, I acquainted you, was by the Commons adjourned to the 23d of January, but did not come on until the 26th, and then, in a committee of the whole House, produced a very warm and spirited debate, which continued until near four o'clock the next morning. In the course of it, the conduct of Administration towards the Colonies, and of Governor Barnard and the Commissioners at Boston, was warmly attacked, and the resolutions themselves very minutely canvassed. Mr. Greenville himself opposed them, upon the ground of their insufficiency, and the improbability that such a measure could answer any valuable purpose. Governor

Pownall remarked well and largely upon them, as not founded in fact, nor warranted by the evidence before them. Colonel Barre, Mr. Burke, Mr. Dowdeswell, Mr. Fuller, the Aldermen Beckford and Trecothick, and several others, opposed them upon both those grounds, as well as upon exceptions to the diction, nature, and tendency of them. They would not undertake, indeed, to defend the proceedings at Boston in general; but in some respects excused them, and retorted the attack, endeavoring to show that they were provoked by Administration, by Governor Barnard, and the Commissioners; that both parties were to blame; that it behooved Administration, therefore, to interpose a remedy adequate to this increasing evil, and not trust to such partial, injudicious measures as they had of late adopted and were still pursuing, &c., &c. The argument was managed with great ability by the Opposition, and several of the speeches were truly excellent, particularly Colonel Barre's, who, being now out of Administration, and unembarrassed with former opinions, spoke admirably upon the subject of the dispute with the Colonies in general, as well as the resolutions in particular. His reasoning was just and conclusive, his figures bold and striking, his language flowing and forcible, his voice and action finely animated; and, warmed by so noble a subject, he poured the whole tide of eloquence upon his auditory, and charmed all that heard him.

I should do injustice to so fine a speech, should I attempt to give you from my memory (for we can take no notes in the House) any part of it; but as I mentioned to you Lord North's rash declaration at the opening of Parliament, I must not omit the notice he took of that haughty position. Having gone through the subject immediately before him, after a pause, he said: "Before I sit down I cannot forbear a word upon what fell upon another occasion [meaning the first day of the sessions]

from a noble Lord over against me [pointing to Lord North], who said, if I did not mistake him, that he would listen to no propositions for repealing the offensive acts until he saw America prostrate at your feet. Good heavens! what an idea is that, Sir! America prostrate at your feet! I have, upon a former occasion, told you my opinion, that it is not so easy, as some imagine, to effect it. The Americans are a numerous, a respectable, a hardy, a free people. But suppose it were ever so easy to effect it. Do you really wish to see America thus prostrate, America thus humbled, ruined, undone? Does any wise man? Does any friend to his country wish it? Surely, no! It is impossible. In such a situation, what use could she be of either to herself or to you? She could serve only as a monument equally of your vengeance and of your folly, and would remain your everlasting reproach. For my part, the America I wish to see is America increasing, flourishing, prosperous, rising in graceful dignity, and with becoming freedom and firmness asserting at your bar her rights, supporting upon all proper occasions her own importance, and vindicating her and your liberties. This is the America I wish to see, — that every friend to his country should wish to see. This is the America that will be able to fight your battles with you and for you, to sustain and strengthen you when perhaps hard pushed by some proud prevailing foreign foe; and by her industry and increase to consume your manufactures, support your trade, and pour wealth and splendor into your towns and cities.”

But alas! what signifies reason or eloquence when opposed to an inflexible administration, backed by a determined majority? Upon the division, the numbers were 213 to 81 for agreeing with the Lords in the resolutions in general; and after a renewed debate upon the address in particular, when it was so late that many had

retired, that also was carried by 115 to 89. Yet the Opposition were not discouraged, but determined to attack them again upon the report, which, though ordered for that day seve'night, was not offered until yesterday; when Mr. Ross Fuller moved to postpone receiving it, that they might consider a measure of so much importance more fully than they had yet done, and, if possible, gain some new lights in so very interesting a business. This was opposed by the Administration, who were determined to finish it as soon as possible, and brought on a debate which continued until near midnight, in the course of which the whole matter was debated over again, as it had been in the committee; the former arguments were again urged, and some new ones adduced, to show that the resolutions were not well founded, to evince the impropriety and unreasonableness of the measure in general, and especially the illegality, hardship, and injustice of bringing Americans over here to be tried for any supposed crimes committed in that country, where justice was as impartially administered as here. Mr. Dowdeswell, Governor Pownall, &c., spoke very fully and properly upon these points, and the latter also expatiated excellently well upon the ill conduct of this country towards the Colonies for several years past, and pointed out, with great force, the fatal consequences which must inevitably follow, and which they would very soon feel, from such preposterous conduct. No thorough American will adopt all this gentleman's opinions upon American affairs, but we ought to do him the justice to say that he has, upon this occasion, stood forth nobly and very ably in our defence, and declares he will continue to do so upon all future occasions. This debate, however, notwithstanding all the efforts of our friends, ended as unsuccessfully as the other. The resolution to have the report then brought up was taken without a division; and after it had been read and debated, Mr. Fuller finally moved for a recommitment,

and pushed it to a division, but was supported only by 65 against 169. The Administration so well knew their strength that they did not, upon this occasion, give themselves much trouble in their replies, except the Solicitor-General, who undertook to answer the objections to the address, and went pretty fully into the consideration of the statute of the 35th of Henry VIII. He endeavored to show that it was a subsisting law, unrepealed and uncontradicted (both which had been objected) by any subsequent act; that it did extend to the Plantations, was a beneficial law, and that it was both necessary and equitable in this case to proceed upon it. That it was a subsisting law, he labored to show by comparing it with the subsequent statutes upon that subject, and from several judicial decisions and book cases determined upon it. That it extended to the Plantations, he argued from the authorities, which clearly settled its extension to Ireland (which he took to be in like case with the Colonies), and the precedents of judgments given thereon, for crimes committed both in that kingdom and in one instance also in the island of Antigua. That it was a beneficial law, he contended, as being an additional security for the good behavior of the Americans, which it behooved them to make the most of. The necessity and equity of proceeding upon it, he maintained by the stronger case (as he said) of Scotland, from whence the rebels in 1746 were, by an *ex post facto* law, brought to England, tried, and executed here; and, upon this ground especially, that this being a controversy in which all the people of North America were concerned, and had taken part, they were all therefore so far interested, and even parties, that justice was not to be expected, nor could be reasonably hoped for, on trials by juries of that country of offences of this nature, in which they were all, in some degree, involved.

This kind of reasoning is very inconclusive, and several

answers were given to it ; but the true one, especially upon the last point, which carries a plausible appearance with it, I think was omitted ; viz. that if the people of America are so interested on the one side of the question as to be unfit for judges or jurors on any trials relative to it, the people of Britain are as much, nay, if possible, more interested on the other side of the question, and equally unfit to assume the character of judge or juror in a case so manifestly their own. For, clearly, the controversy is not, as in the ordinary cases of treasons and other crimes, between the prince and the subject, but between subject and subject, between the people of America and the people of Britain, which shall have the power over American property in the very important point of taxation. After all, supposing the proceeding upon this statute of Henry VIII. might be, strictly speaking, legal, (which, however, all the refined arguments which have been urged on the part of government have not yet convinced me of,) yet the severity, the hardship, the unreasonableness, and the injustice of it is so striking, it is so abhorrent to the common sense and feelings of Englishmen, that I cannot yet believe that the Administration will or do seriously mean to carry it into execution. I persuade myself that they consider it as a mere *brutum fulmen*, though they hope it will make the people of Boston tremble, and wish it may even strike terror through the continent. In truth, their great object was to obtain a Parliamentary sanction of the measures they had taken, and this they have very fully effected.

Complete as this victory appears on the part of Government, yet the Opposition in the House of Commons has been of very good use. It has checked that perverse, peremptory spirit with which Administration set out at the opening the sessions. It has put them upon consideration, and shown them that the Colonies can even yet muster friends, who have already given them some

trouble, and may yet give them much more. The association, also, not to import goods, begins to have some weight (and if the Philadelphia merchants had concurred with their neighbors, would by this time have produced very sensible effects); so that I think it evident enough, to an attentive observer, that they wish the controversy was well over, or that they could retreat with tolerable reputation. They have their hands full, and see difficulties on every side, both at home and abroad; and could we once get the laws now complained of repealed, we should not, I fancy, very soon see a Minister hardy enough to impose another tax; but their honor, the dignity of Government, &c., as I have often mentioned to you, they still insist will not admit of such repeal at present.

What they intend to propose next to Parliament, relating to the Colonies, or whether anything, does not yet appear; but Opposition, I know, do not intend to let the matter pass so, though they have not yet fixed upon the plan they will pursue. That the repeal of the Duty Act will be moved for, I pretty confidently expect; but that it will be actually repealed this sessions, we are not authorized to hope, unless the peremptory spirit of Administration should, by some fortunate events, be yet farther reduced, and they be induced to entertain more modest ideas of their own honor, with regard to which the conjectures at present must be so loose and indeterminate that it is not worth while to trouble you with them. The best, I trust, will be done here that the present situation of things will admit of, and we hope the most prudent measures will be pursued on that side of the water, on which very much depends, for the counsels here will materially vary, according to the intelligence from time to time received from thence. The merchants of Philadelphia, it is said, will now concur in the resolution not to import. But give me leave to ask, Why should this depend upon the merchants only, whose

interest it must be to continue that trade by which they acquire wealth? They have, indeed, shown a noble disinterested spirit, which does them great honor; but is not the true ground this, *that the people cease to consume?* There both interest and duty will concur, and the ground will be absolutely sure. The merchants *must* cease to import if the people *will not purchase*, and their inability to pay the debts they have already contracted should, one would imagine, (if there were no other inducement, as there are, indeed, very many,) be sufficient to prevent their engaging in new ones. Were the prudent spirit of frugality and industry once diffused through the bulk of the people of America, the whole difficulty would be over. It would produce such effects— But I need not describe them. Nor is it my part to prescribe; it is enough to furnish intelligence. The Colonies cannot but see their situation. I know they have wisdom to discern what that situation requires of them, and will yet believe they have also virtue and firmness enough to pursue what that wisdom will dictate upon so interesting an occasion.

The petition of the Massachusetts Council, after some debate, (chiefly upon the question whether they were a Council regularly called by the Governor, and so in a capacity to petition, for they were silent upon the point of right,) was received and ordered to lie upon the table; but the House rejected one preferred by Mr. Bollan, late Agent for that Province, against the resolutions and address, which contained some good observations upon the subject of treason, and was of some use, though not received. Whether those from the other Colonies to the Crown will be laid before Parliament by Administration does not yet appear. The Pennsylvania petition has not been offered a second time, but is still intended. The resolutions and address received some few amendments in the committee, but they are so little different from

those I have sent you that it is unnecessary to trouble you with another copy ; beside, I presume you will very soon have them published in all your newspapers, from the printed votes of the House.

Mr. Wilks's writs of error were tried upon the first meeting of the Lords after the holidays, and both the judgments against him affirmed. His petition to the House of Commons took up several days in the trial and debates, and at length was dismissed as not supported by evidence, and his attack upon Lord Mansfield, for altering the record, voted frivolous and abusive, tending to asperse and obstruct the course of public justice. They next took up his late publication of Lord Weymouth's letter, with a preface relating to the transactions in St. George's Fields, and concurred with the Lords in censuring it, as an infamous and seditious libel. Animated with this success, the Administration immediately moved his expulsion, and carried it by a majority of eighty-two. They even talk of bringing in a bill to disable him from holding any place, post, or office. He will, however, be re-elected by the County of Middlesex, though not permitted to sit in the House.

Nothing new has occurred relating to the Mohegan Case since I wrote last. Mr. Mason's return to the Continent, (of which I advised you in my last,) under a notion of collecting farther evidence, and perhaps money, added to the deep engagements of the solicitors and counsel, who are to prosecute it for him, in other matters of important and public concern, will, I fear, still delay the cause, and postpone the hope I have for some time past entertained, that I should soon see an end of it, or find it in such a situation that I might fairly leave it, for which I am exceedingly anxious, and remain, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

P. S. Just as I had finished the above, I received the honor of your favor of the 1st of November, and am glad to find the Mediterranean passes, &c. have arrived safe. My former letters, which have, I hope, come to hand since the date of yours, will, if I recollect right, have given you the intelligence you request relative to the two addresses from the Colony. That in 1766, I was informed upon my arrival here, had been presented and very graciously received. That forwarded to Lord Hillsborough last June, his Lordship told me, he had himself laid before his Majesty, and I afterwards learned from him and others, that it was the intention to answer that, and those of the like nature from other Colonies, by letters to the several Assemblies; which I presume was done, and that you have received that to Connecticut. Whether Parliament are to have any knowledge of them in the official way depends wholly upon Administration, and, as I have said above, does not yet appear; but the Agents have taken care that it should be sufficiently known, both within and without doors, that such addresses have been presented. I very heartily concur in your sentiments of the utility and importance of a firm union between Great Britain and the Colonies, and most ardently unite in your good wishes that we may soon see it take place upon the true ground of common liberty and the just principles of the British constitution. The prospect is, however, but too gloomy; yet I do not quite despair that something may even yet, before the end of this sessions, be done towards that blessed purpose; at least, I may repeat my assurances that the utmost pains will be taken by many friends to both to effect something of this nature, and in hopes of some success in so good a design, I remain

Your Honor's most obedient servant,

W^M SAM^{LL} JOHNSON.

Indorsed, "Received April 26, 1769."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Hon. William Pitkin, Esq.

LONDON, March 23, 1769.

SIR,—Your favor of the 23d of January, enclosing copy of Colonel Babcock's letter relating to a petition of several Mohegan Indians to his Majesty, came safe to hand a few days ago. This is not the first attempt that has been made to give an undue influence to the cause; several have been discovered before, and defeated, as I trust this will be. Upon receiving this intelligence, I waited immediately upon Lord Hillsborough, and begged to know whether any such petition had been presented to him, and very frankly told him the information we had that he was the adviser, and even draftsman of it. He said he had received no such petition, and totally disavowed all knowledge of it, and especially of having advised or approved of anything of that nature. I then told him that I had flattered myself that it was a mere calumny, and that his Lordship could have no concern in it, but that we were well assured such petition did exist, and he would probably hear of it in a few days; that I looked upon it as a vile attempt to interest Government here, very improperly, on one side of a controversy which was fairly depending in a court of justice, and which they had but too much espoused already; that the Indians were imposed upon by interested and designing persons, and knew not what they did; that far the greater and better part of them adhered to the Colony; that, in case of such surrender of their lands to the Crown, they would be totally unable to pay any quitrent, being unable even to support themselves with any decency; that they were already taken due care of by the Colony, nor had the least cause of complaint; that the Crown had no reason to, nor could by right, have anything to do

with them, and would only suffer itself to be deceived and imposed upon, and injure the Colony by intermeddling in the business, &c., &c. He agreed with me that such an endeavor to influence the cause was not to be justified; and that, if he had advised it, he should have acted a very improper part. He thanked me for the information I had given him of the ill use which had been made of his name, begged that I would exculpate him with the Colony from having taken any part (much less so improper a one) in the affair, and assured me he neither had nor would give any countenance to any step of this kind; that he hoped the fairest trial would be given to the cause, and the most impartial justice done in it. After these full declarations, however much he may wish to see such a petition presented, yet I think (all courtier as he is) he cannot in honor give it any support, and will not, at least openly, espouse it. Though his Lordship is the proper channel for introducing a thing of this kind, yet to stop, if possible, every avenue to prejudice, I went yesterday, and again this morning, to wait upon the Lord President of the Council, to represent the state of the matter to him, and prevent his being prepossessed in favor of it, as they are too apt to be by everything coming from Indians, but found him both times too much engaged to enter fully into it. I shall, however pursue it until I obtain an effectual audience, and hope to prevent any ill consequences from this insidious step, which, I think, shows that our opponents are conscious of the weakness of their cause, upon its merits, and the necessity they are under to take indirect measures to support it.

When I wrote last, I had some hopes that the instructions from the electors of London, Bristol, &c. to their representatives in Parliament, which I knew were preparing, together with some other occurrences, would give a favorable turn to affairs here, and that we might hope

for a repeal of the offensive laws; but they have yet had no sensible effect, and Administration continue resolutely determined to abide by them, at least for this session of Parliament. Mr. Trecothick offered the New York representation a few days ago, and, after a debate of about three hours, it was rejected without a division. It was admitted to be couched in decent and proper language, but insisted upon that, as it drew into question the right of Parliament to tax the Colonies, it could not be received. All parties agreed that it was necessary to maintain the right as essential to the supremacy of Parliament; but several were for receiving the petition, and some for repealing the act, as inexpedient and injudicious. Mr. Dowdeswell, Mr. Burke, the Aldermen Trecothick and Beckford, Colonel Barre, &c., spoke very well upon the subject, but all to no purpose. Lord North opposed it as inconsistent with national honor and Parliamentary dignity; and it stood no chance. The Pennsylvania remonstrance, being in the same predicament and equally calling in question the power of Parliament, is of course determined by this resolution, and will, I believe, be no farther pushed. The New York petition to the Lords is still intended to be preferred, but will, no doubt, meet with the same fate. Thus, all the applications of the Colonies are rejected or ineffectual. There seems no farther hope that anything will be done in their favor this session, and they are left with only a kind of *ministerial encouragement* that, if they are *very quiet* and *quite silent upon the right*, and will *humbly ask it as a favor*, perhaps the offensive acts shall be repealed *next winter*. Such is the attention paid to the united voice of all America, and this their boasted readiness to hear and redress all real grievances! That the Colonies will resent this treatment of them, nobody can doubt; but I hope wisdom and prudence will still direct all their measures.

The Agents, in the course of their several consultations

upon this subject, aware of the fate which all the petitions and representations disputing the right of Parliament to tax the Colonies were like to meet with, have had it in contemplation to prefer a joint petition, silent with respect to the right, and praying a repeal of the act upon the ground of inexpediency only. To this it was objected, that silence upon so essential a point might perhaps be construed a consent to waive, at least, if not to give up, the right, and would be dangerous; that all the petitions, remonstrances, &c. from America, having uniformly denied the right, it was not fit for the Agents to take upon themselves to waive it, nor ought they to be even silent upon it, without express instructions from their constituents to that purpose; that several Assemblies having, upon debate, concluded to petition the Crown only, and not Parliament, lest even that step should seem to admit their right, and even those who have applied to the House of Commons, having avoided for the same reason the very term "petition," it must be presumed that they would not approve of a formal petition from their Agents passing that important point over in silence, especially since it was at the same time so very doubtful whether even such a petition would succeed, and it might perhaps even be made use of by Administration as a ground of declaration that the Colonies had, by their Agents, in effect receded from their claim of exemption from Parliamentary taxation as of right; so that, at least, it was running a very great risk, without any well-grounded expectations of benefit by it. These objections, with some others, appeared so insurmountable to several, that they declined being concerned in it, though such petition was drawn up and canvassed; whereupon those who would have taken that measure gave it up, and the project seems to be at an end. Some thought the Colonies would rather choose the act should continue unrepealed for the present, than that it should be done

upon the ground of such a petition on their part. Other designs have been in agitation, some of which are already given up, and whether any of them will take effect cannot yet be determined ; but, from the last debate in the House, it seems very apparent that all our measures will, for the present, be equally unsuccessful. This, however, ought not to discourage us, nor will prevent our attempting everything that has the least plausible appearance of utility or success.

We were alarmed some time ago with intelligence that, upon occasion of further continuing the Mutiny Act, it was intended to introduce into it a clause authorizing the quartering the troops in America in private houses. You will not doubt but that the Agents thought themselves bound in duty to exert their utmost efforts to prevent so detestable a design from taking effect. Whether influenced by the warm remonstrances made against it, by the apprehensions of its creating such general uneasiness in America that they might not be well able to manage us, by the clamor it might excite here, by the ill policy of such a measure even with respect to this country, or by what other motive I cannot determine, the majority of Administration soon gave up the idea. Nevertheless, the Secretary at War, when the act came before the House, actually moved for such a clause ; but Colonel Barre opposing it, and Lord North declaring his disapprobation of the measure, it was soon given up. I am at a loss to determine why the Secretary at War, between whom and the rest of Administration there is the closest connection, moved it at all, when he knew Lord North would not come into it. There seems to be some mystery in this. Perhaps it was done in concert between them, to give the Colonies notice that such a thing was thought of, in hopes it might put them in fear, and keep them in awe from the apprehension that it might be hereafter adopted, if they should not behave

towards the troops as they would have them ; but I cannot yet explain the true grounds of it.

To show a kind of seeming lenity towards the Colonies, they have adopted a clause providing that, when the several Assemblies shall make billeting acts of their own, which shall be approved by the King in Council, they shall take place of the Act of Parliament, and allowing voluntary agreements to the same purpose between the civil authority of the several towns and the officers of the army. Some think this will be mighty agreeable and extremely beneficial to the Colonies ; but I hardly think that any of them will very much thank Parliament for giving them this kind of permission to make an act, (which must be the same in substance as the act of Parliament, or otherwise it will not probably be approved,) when they must know that they have sufficient authority to make such acts without such permission, and that, as they are much better judges of their own abilities and circumstances, and consequently of the particular provisions which ought to be inserted in such acts, than Parliament can possibly be, that therefore the whole matter, in reality, ought to be left entirely to them. It looks too like adopting a practice similar to the practice of the Parliaments of France, who are humbly to register edicts about which they have no right of deliberation. Here a liberty is given to make a law, indeed, but if it is not just such a one as the act of Parliament, or so little different from it as to please Administration, the act of Parliament still binds ; and whatever law they make, it must still be considered as done in pursuance of, and in obedience to, the act of Parliament. But whether the act be agreeable or disagreeable to the other Colonies, it is rendered totally useless to the Colonies of Connecticut and Rhode Island by the condition annexed, that such act must be *approved by the King in Council*. Nay, more ; it is not only rendered useless, but this condition is in fact, I think, designed as

a snare for us; they hope we shall be induced to transmit such act for approbation, which will then serve as a precedent, and lay a foundation for requiring all other laws to be so transmitted. I am well founded in saying this, I think, because the clause was first brought in by Governor Pownall without that condition, and from a sly, obscure intimation of Mr. Dyson, one of the Lords of the Treasury, when he proposed the alteration, intimating that no law ought to be of force for a moment without such approbation. I was advised to get it opposed, and if possible left in general terms, as it was at first proposed; but upon considering it, I thought it too delicate a point to meddle with, and durst not attempt it, lest, heated by opposition, they should have taken it into their heads, rather than give it up, to propose a general act requiring us to transmit all our laws for the purpose of receiving such sanction, which would have involved us in a most disagreeable and dangerous controversy. The object, if it could have been obtained, was not, I trust you will think, worth running such a risk for, and therefore I hope will approve our silence upon this occasion.

That you may see the whole progress and various mutations of this business, I enclose you copies of the several propositions which were made, and of the act as it now stands. Governor Pownall first moved the clause with the very proper preamble, as in No. 1. To the preamble, Administration objected, as containing a censure or oblique charge upon Parliament as insufficient to act in such cases, and an acknowledgment that the Assemblies in the Plantations were more properly conversant of, and therefore more proper to enact, those regulations than Parliament, and to the subsequent part as giving a kind of superior power to an act of Assembly over an act of Parliament, to exclude or restrain it. One gentleman said it was very true, he believed, that the

Colonies were better judges of and more capable of making laws for themselves than Parliament was, but he did not know whether they had best own it or not; and after a little further conversation, Mr. Garth proposed the clause No. 2, which, being in some measure approved, Mr. Dyson moved the condition of a confirmation of such act by the King in Council, which was at once received. At another day, Governor Pownall finally proposed it in the words in which the act now stands passed, No. 3. Had it passed with his preamble, that at least would have been of real service; and, after all, it must be allowed that the very making the act does admit the Colony Assemblies to be better judges of this subject than Parliament can be; and the reasoning may be advantageously applied to the case of taxation, as stronger than that of billeting, and will be so improved. And if there is any real benefit in the act with regard to quartering the troops, &c., the Colony of Connecticut may enjoy all the material advantages of it, by acting, if they choose it, under the proviso authorizing voluntary agreements, though they cannot avail themselves of the other part; for, I trust, nobody will once think of passing an act to be transmitted here for approbation.

Parliament are now adjourned for the holidays, and, it is said, will not sit long after they meet again, and since there is so little prospect of their doing us or the nation any very great good, the sooner, I think, they break up, the better.

The controversy relative to Mr. Wilks still continues, and parties run very high. He has been expelled a third time, yet the people seem determined to re-elect him. There is less danger of a war at present than there was some time ago. The Ministry will avoid it, if possible, for very many reasons, and amongst the rest, that they may be more at liberty to watch the Colonies.

We saw here yesterday a very desperate mob, who

attacked the merchants going to present their address to his Majesty at St. James's, dispersed most of them, broke their coaches, pelted those who persevered with stones, mud, &c., and even pursued them in that manner up to the palace gate, where Majesty itself was insulted, and all was for some time tumult, confusion, and uproar. The particulars, I presume, you will have at large in the public papers, and I need not trouble you with a repetition of them, but remain, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

Indorsed, "Received May 6."

WILLIAM SAMUEL JOHNSON TO JOSEPH TRUMBULL.

*Joseph Trumbull, Esq.*¹

LONDON, April 15th, 1769.

MY DEAR SIR, — It gave me, I assure you, very great pleasure to hear of your safe arrival in America, especially after so very disagreeable and dangerous a passage; and I now rejoice with you in your preservation, and thank you for your favor of the 7th of January, and the communications it contains. You will have seen in the resolutions of Parliament the result of all our fond hopes and expectations from the present session of Parliament. Entirely directed by a weak and wicked Administration, instead of calmly sitting down to inquire into the grievances of the Colonies, and planning a sober system of

¹ Joseph Trumbull was the eldest son of Jonathan Trumbull, who succeeded Pitkin as Governor of Connecticut. He was associated with his father in business, and made voyages to England on behalf of the firm. He died in 1778, at the early age of forty-two. He was the first Commissary-General of the United States. See Stuart's *Life of Jonathan Trumbull, Sen.*, pp. 424 *et seq.* — Eds.

reconciliation and future harmony, they have only made a string of harsh, hasty, ill-founded, ill-natured, and injudicious resolutions with regard to Boston, which must irritate the Colonies, and widen the breach between us; but cannot, as far as I can comprehend, answer any one good purpose whatsoever, even upon their own principles. To add to the mischief of those ill-timed resolutions, they have also, with impatient malevolence, rejected all the American petitions and representations; and now, as if they had exhausted all the resources of political wisdom, cry, We have done enough for this session with respect to America. The Colonists will now see and admire our amazing wisdom and firmness, will in future humbly submit to our dictates, acquiesce in our laws, and give us no farther trouble. This they call a mild plan of moderation and prudence. Foolish men, and unwise! If they meant to sport with our grievances, and laugh at our calamities, they have done too much; if they thought to conciliate the Colonies, too little. In truth, they know not what to do themselves. Too obstinate to retract, too weak and irresolute to advance, they have chosen this insignificant middle measure of resolution,—seeming to do something, yet really doing nothing,—which can produce only contempt. Wisdom and folly will forever be the same, in private and in political conduct. When an individual has taken a wrong step, true wisdom will forever dictate to him to confess it, to retract it, and mend as soon as possible the mischief of his misconduct. If he will not be wise, he may still perhaps obtain the character of firmness and intrepidity, even by persevering boldly in a wrong measure, and fortifying himself in mischief; but if he has neither the wisdom to repent, nor the firmness to persevere, the light he next appears in is that of insignificancy, and he meets contempt and scorn. The latter, I fancy, will be the character of the present Administration. In a word, the language of their political conduct seems to

be this: "We own the late act to be very wrong, yet we will not repeal it, because you first pointed out the error to us, and it will gratify you to disannul it. The act, it is true, is injudicious and injurious; you have reason to complain of it, but when you do so, you are seditious, turbulent, and traitorous. We will be sure not to make another such act, nor will we persevere in the principle upon which this is founded; but we will keep this in existence, that we may still have something to quarrel about. We will obtain a Parliamentary authority and the King's order to punish you, but we assure you we will not do it. We mean to frighten you, and we will even point our artillery against you; but we tell you, at the same time, you need not be frightened, we will not hurt a hair of your heads." Is not this more than silly? Yet such seems to be the wisdom of the present set of politicians.

Equally absurd has been their conduct with respect to Wilks's affair, in which they have done just enough to provoke, to irritate, and inflame both him and the people, — nothing to conciliate, to cool, or quiet the controversy, — by which means the fire of party has been burning bright through the winter, and now blazes with unremitting rage. Would it but consume only those who have kindled and kept up this dangerous flame, it would be useful, and purify the kingdom from much filth; but it threatens a more extensive destruction, and one can hardly guess when or how it is like to be extinguished. The story of the times, their squabbles, mobs, and madness, you see fully delineated in the papers, and I need not repeat them. Many flatter themselves that they will terminate in a speedy change of Administration, and from the appearance of things one would imagine that event could not be very far distant; yet those who seem to have the best intelligence affirm that the present possessors are high in the King's favor, and that he will certainly

continue to support them against all opposition. While they are thus warmly contending amongst themselves here, let the Colonies but be firm, cool, moderate, and prudent, eat their own bread, drink their own beer, wear, as far as possible, their own wool, &c., &c., and I trust they will be in no very great danger.

I am glad our friends at Lebanon had no share in the injudicious proceedings there. You judged right, that I should be attacked upon that score. I was so, very warmly; and had enough to do to palliate, to excuse, and to defend them. Happily, it was most of it laid to the charge of Boston; yet, after all, had Lebanon been a town of greater extent and consequence, it is very probable that you would by this time have seen a regiment there to hold you in awe. There are, you know, many here who are very glad to have this kind of excuse for employing the military gentry to assist in governing us, or, as they call it, in keeping the peace, and will, I doubt not, agree with me, that it is not our part to give them any plausible pretences for intermeddling in our affairs. Our friend, General Lyman,¹ is well; but I don't find that his affair is yet like to be very speedily determined. Contrary to all expectation, Sir W. Johnson's treaty, which we imagined would forward and facilitate his business, is made use of as an excuse for further delay, under some strange pretence that he has got more land from the Indians than he ought to have done.

I am glad to find the Colony is so nearly out of debt; though I doubt not, as you say, that, notwithstanding the balance in the constables' hands, they will still be in arrear. You are aware that our being so little in debt is earnestly urged here as a reason why we should acquiesce in the impositions laid upon us by Parliament; for

¹ General Phineas Lyman of Suffield, Conn., who, after the campaign of 1755, visited England as agent to support a claim of the officers of the Provincial troops. See Barber's Connecticut Hist. Coll., 109, 110. — Eds.

which reason, as well as others, I wish them to know as little as possible of our internal circumstances and police, especially in point of taxation, which they will never clearly understand, and which may be liable to much misconstruction. Lord Hillsborough's questions are, I doubt not, many of them insidious enough, and it will be right to meet Ministerial art with American prudence. It is very surprising that the treasurer should have been so very incorrect in his accounts as to be unable to account for so large a sum. This event will probably induce the Colony to see the accounts of their treasurer more frequently liquidated than they have been wont to do. Methinks they are not so very voluminous but that it might be done annually. Mr. Jackson happening to be in the country, the letters and petitions were forwarded to him there, and I had no notice of them until he came to town, which occasioned some difference in point of time in our acknowledging the receipt of them; but there was no failure. They were received seasonably enough to answer all purposes, and to meet the common fate of all the others. Present my most respectful compliments to his Honor the Deputy-Governor, to Major Williams, and all friends, and believe me very sincerely, dear sir,

Your most obedient and affectionate humble servant,

W^M SAM^{LL} JOHNSON.

Indorsed, "Dr. W^m. St. Johnson, from London, to Capt. Joseph Trumbull,"

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Hon. William Pitkin, Esq.

LONDON, April 26th, 1769.

SIR,—I acquainted you in a former letter that the repeal of the American Revenue Act would be formally moved for before the end of the session. Accordingly,

on the 19th instant, Governor Pownall moved the House to resolve itself into a committee of the whole House to take that act into consideration, in order to move regularly for its repeal. This was done, not from any hopes that it would succeed, but to take from Administration every degree of excuse, and to put them as much as possible in the wrong, that, in case any future ill consequences should follow in America, they might never have it to say that their plan had been acquiesced in, and that nobody had pushed for a repeal of the act. In support of his motion, he said he allowed that the supremacy of Parliament over the Colonies was essential to the security of the empire, and must, at all events, be maintained;—that the Declaratory Act had established nothing new; it was a fundamental right which they had been always possessed of;—that he would not now make any objections to that act, though he thought all acts of that kind rather dangerous; but, since it was passed, it must now be considered as a kind of hoisting their colors, which they could never again lower,—no, not an inch,—and as taking a ground from which they could never recede;—that, happily, America was now in a state of repose, and in effect did acknowledge that supremacy, and had even acquiesced in the exercise of their right of taxation, by paying the duties imposed by the late act, though they esteemed it injurious, derogatory to their rights, and highly oppressive;—that Parliament had now rejected all the petitions and applications, and retired within their own ground, and refused to repeal the act upon any American motives;—that, however, the act was universally allowed to be extremely anti-commercial, and prejudicial to the manufactures of this country, and even unjust, as it imposed duties for the support of government equally upon those who had and those who had not provided funds for that purpose, and instanced in the provision made in Jamaica, the $4\frac{1}{2}$ per cent duty in Barbadoes, and the £27,000

granted in Virginia; — that under these circumstances, in his opinion, now was the favorable crisis to repeal the act, save their honor, and give peace to the Colonies; it might now be done upon British grounds, upon commercial motives only; but if they neglected this, he feared they should never again have so favorable an opportunity for it; — that the Colonies certainly would not take patiently the rejection of their petitions, and the inattention which, through the whole session, had been shown to their united applications; from the genius of the people it was not to be expected; — that they were all combining against the trade and manufactures of this country; new provocations would certainly be given, and the longer they persevered, the more deeply their honor would be engaged, and the more difficult Government would find it to recede; — and therefore he hoped Parliament would seize the present moment, now interpose before it was too late, and, by repealing this disagreeable, oppressive, and injurious act, put an end to the controversy, and restore peace to the two countries.

He was seconded by Alderman Trecothick, in a judicious, sensible speech, urging especially the commercial reasons for repealing the act, and recounting the various steps taking in America to prevent the consumption of British manufactures, and to encourage their own.

They were opposed by Lord North and Mr. Dyson, who in substance said, that they were equally concerned for the unhappy breach between the two countries, and wished as much as anybody could do that a reconciliation should take place between them, if it could be obtained upon good grounds, but that it was in vain to think of retaining any connection with the Colonies but upon the sure ground of their clear subordination to Parliament, and submission to its laws; that they sincerely wished to avoid all controversy with the Colonies, but they thought it absolutely necessary to assert and maintain their su-

premacý over them ; that that supremacy was denied, and their authority disputed, and while this was the case, it was not, in their opinion, a time to make concessions to them ; that the argument which had been urged from the combinations not to import or consume British manufactures, and to establish them amongst themselves, were, with them, the strongest arguments against the repeal ; that to submit to them was to give up Parliament and all its authority into the hands of the Americans ; that they were threatenings which they should disdain to take any notice of, and to submit to them must forever encourage disobedience ; they were arguments which might be applied upon every occasion, and, if they once yielded to them, they would find that in future, whenever any act of Parliament was made not perfectly agreeable to the Americans, they would constantly go into the same measures to obtain a repeal, and in the end, by the same means, get rid of all acts of Parliament, even that essential one, the Act of Navigation, the basis of the wealth and power of Great Britain ; that it was now too late in the session to think of going into the consideration of the act, had it been ever so proper to have done it ; and though they would give no opinion, that should in any measure be binding upon them, but leave the matter to be considered upon all its circumstances as it should hereafter appear, yet they would not say but that, if the Americans should behave in a proper manner, it might be proper in the next session to go into the consideration both of this act and other points, both of American finance and police. The two Mr. Burkes spoke upon the subject, in a very general manner, but without giving any direct opinion whether they ought or ought not now to repeal the act.

Edmund Burke said he believed all parties were now pretty well agreed that it was in vain to think further of any real practical plan of raising a revenue in America,

and he hoped it would never more be attempted. The money of the Colonies must be drawn from them in another way, viz. by commerce alone; but at the same time they must insist upon the obedience of America to their laws, and take effectual care of their supremacy, upon which that commerce, and even the very existence of the empire, depended. That he thought it would serve to very little purpose to discuss this subject much in Parliament; that the government and conduct of the Colonies must be the business of Administration. Parliament could only give them general principles, and correct them when they went manifestly wrong; but it lay upon the Ministers to form and to pursue a wise, well weighed, connected, and effectual system of sound policy, by means of which peace and harmony should be restored, and all the affairs of the Colonies so regulated that they might be of real and extensive emolument to Great Britain. That he had not, indeed, any great expectations from the present managers, but that it was their duty to do it, and they must do it at their peril, &c.

In truth, even this set of men (the Rockingham party), who have generally appeared the most favorable to America, do not seem through the sessions really to have wished the repeal of the act, but rather that it should remain to embarrass the present Ministers, and as a means of their destruction, to whom they hope to succeed. They had rather have the honor of doing it themselves, and mean in their turn to govern the Colonies, though in a different way; which induces them to assert the supremacy of Parliament in almost as strong terms as the Ministerial party, and to avoid giving any encouragement to the Colonies which they apprehend may tend to render them untractable and unsubmissive to the dictates of this country, the counsels of which they resolve, if possible, ere long to conduct. Indeed, this must be the case with every party, in some degree; the Colonies, therefore, if they are wise, will

take care not to become the dupes of any party, nor connect themselves too deeply with any set of men in this country; but, conscious of their own importance, and attentive to their own rights and true interest, will avail themselves, as they may, of the divisions here as they arise, make use of each party in their turns as they find it expedient, but be absolutely subservient to none, and in the end it is not improbable they may be courted by every party, and eventually gain an ascendant over them all.

But to return to the debate. Nobody would defend the act, nor many urge its repeal; and it appearing by this time that there was no hopes of making any figure with this motion, Colonel Barre proposed another, viz. that they should come to a resolution that it would be proper in the next sessions of Parliament to make a revision of all the laws relative to the Colonies, which had passed since his present Majesty's accession. This he urged, with his usual force, from this motive especially, that it would show the Colonies that they were attentive to their concerns, and open to their complaints, would keep up their hopes, prevent their running into a state of desperation, and preserve the peace of that country. He was seconded by Alderman Beckford. This was, however, opposed by Lord North and Mr. Dyson, for the same reasons they had before urged, and from the additional consideration, that it would be an implied censure of all the laws of this reign, and excite such expectations and hopes in the Americans as they could never gratify, and open fresh sources of controversy.

Colonel Barre's motion meeting with but little encouragement, General Conway finally moved that they should resolve only that they would, next session, take into consideration this act alone; upon which Colonel Barre agreed to give up his motion, and to concur in the General's; Sir George Savile, Lord Beauchamp (though as

well as Conway a Ministerial man), Mr. Jackson, Mr. Gray, Alderman Beckford, and others, supported it with various arguments; but principally upon the ground of the propriety and reasonableness of holding out to America some prospect of relief from the burdens they complain of, for the purpose of keeping up their expectations, and preserving their quiet. Mr. Greenville said such a resolution would be contrary to the rules of the House, and perfectly nugatory; as the resolution of this session could not bind the next, and would become void by the prorogation. He was reminded of his own previous resolution with regard to the stamp duties in America, made twelve months before the act passed, with a view to give the Colonies notice of what was intended; which he endeavored to distinguish from the present proposal, though, I think, without discovering any material difference. Upon the general point of the expediency of the repeal, he said he would give no opinion until he saw some plan proposed by Administration worthy their attention. At present, he believed Administration had none, and it was not worth while to spend time about the affair while they were so fluctuating and unsettled. "But why," said he, "have you no plan? Why do you dally and delay, in a business of such infinite importance? Why feign excuses, pretend it is too late in the session, that this is not the time, &c., when the difficulty is every day increasing upon your hands? If the act is wrong, or you cannot maintain it, give it up like men. If you do not mean to bind the Colonies by your laws in all cases, even of taxation, tell the Americans so fairly, and conciliate their affections. If you will not make them your subjects, make them at least your allies. If you do mean to bind them in all cases whatsoever, be frank: let it be known and understood, and conduct yourselves accordingly. Let us no longer hesitate between two opinions. Let us take some ground or other, and maintain it firmly. Do not any

longer deceive both yourselves and them, but act a bold, open, decisive part, and put an end to a controversy equally pernicious to us all."

Administration, in reply, said, in effect, that they had no plan but that of adhering to the laws as they now stood, and still opposing General Conway's motion. Lord North finally put an end to the whole conversation by moving the previous question for the order of the day, which was carried without a division. Governor Pownall, a few days after the debate, gave the House notice that he should renew his motion again early in the next session, and Sir William Meridith declared he would second it.

This is the last effort that will be made in behalf of the Colonies during this session, which is expected to end next week. The detail I have troubled you with will discover to you the general sentiments thrown out upon this occasion, and the temper in which they leave this subject for the present, which may perhaps be of some utility in conducting the counsels of the Colony in this delicate conjuncture. Since they would hold out no hopes to America from any measures to be taken here, the negative of these motions seems fairly to imply that the Colonies are *to take care of themselves*, and I trust they will accordingly do it, as a friend of the Colonies well expresses it, "by opposing prudence to perverseness, and policy to power."

The eager strife of parties relative to the affair of Mr. Wilks has rather increased than decreased since my last. He was opposed at the election by Colonel Luttrell, who mustered 296 votes against Wilks's 1,143. The House spent two days in warm, and even violent debate, upon the sheriff's return. The first day ended with a declaration of the nullity of Wilks's election. The second day's question was whether Colonel Luttrell should be declared duly elected; which, about three o'clock next morning,

was resolved in the affirmative by a very moderate majority, and he has accordingly taken his seat as member for Middlesex. This procedure has exceedingly exasperated the freeholders of the county, who immediately held a meeting, and appointed a numerous committee of grievances and apprehensions, directed a petition to his Majesty, in nature of a remonstrance, to be drawn up, which is to be reported to-morrow, and presented as soon as possible. It is no longer considered as the cause of Mr. Wilks, but that of the county of Middlesex, and, in effect, of all the electors of Great Britain. They have now a great and very important constitutional question of representation to agitate, which nearly affects all their rights, and is not totally unconnected with that of the Colonies, who may perhaps derive some material advantages from this litigation. The subject has attracted the attention, and excites the expectations of all the people of England; and if the freeholders and those who have espoused their cause persevere with the same fervent zeal by which they seem at present to be animated, the affair may, perhaps, be attended with very serious consequences.

The late petition of the Mohegan Indians makes no progress yet, and, I flatter myself, will not meet with much encouragement, nor does our cause come to a decision. It is now alleged that they must wait the return of Mr. Mason with the papers and evidence (or rather money) he is sent for, before they can bring it on. I very thankfully acknowledge the receipt of your favor of the 15th of February, and have the honor to be, with the greatest respect and esteem,

Your most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

Indorsed, "Received 17th of June."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Hon. William Pitkin, Esq.

LONDON, May 25th, 1769.

SIR, — When I had the honor to write you, the 26th ultimo, it was intended that Parliament should break up the Tuesday following; it was, however, postponed a week longer by a petition of the freeholders of Middlesex against Colonel Luttrell, which was unexpectedly presented the 29th of April, and appointed to be heard at the bar of the House on Monday, the 8th instant. Upon this decisive occasion the members, many of whom had gone down to their country seats, were summoned from the remote parts of the kingdom, and some even recalled from France; a full House was assembled, and the cause was learnedly argued by counsel at the bar, from one o'clock in the afternoon to seven in the evening, when Mr. Dowdeswell opened the debate in the House, which was kept up with great spirit and ability, on both sides, till half after two o'clock next morning, when Colonel Luttrell was again declared duly elected, and the petition rejected by a majority of 221 to 152. As it is an affair not immediately relating to the Colonies, I will not trouble you with a minute detail of the debate. In general, the question turned principally upon the validity, force, and operation of the antecedent vote of the House, declaring Mr. Wilks ineligible for this Parliament; which the Crown lawyers, and those who supported them, contended was a judicial decision of a supreme court having competent jurisdiction of the cause, the House of Commons being, as they affirmed, a court of record, possessed of complete jurisdiction to all the purposes of the admission, expulsion, and castigation of their own members, and all other matters touching elections; — that this decision was the just censure of his

crimes, which rendered him infamous and unfit to be a member of that House, was a judgment founded upon and conformable to the *Lex et consuetudo Parliamenti*, which was part of the common law of the land, and must conclude all the subjects of the realm; that it was therefore a legal disqualification, — a disqualification at common law, and equally operative as a disqualification by act of Parliament, from whence they inferred that those freeholders who voted for Mr. Wilks, knowing him to be thus disqualified, voluntarily threw away their votes, as much as if they had voted for an alien, or a person not in existence; and consequently, that Colonel Luttrell, having the majority of those voices, which alone could be taken notice of, must be declared duly elected.

The other side insisted, that the right of the House of Commons to expel, which was admitted, did not infer an authority to disqualify, — in the one case, they had a proper and complete jurisdiction, in the other not; that the disqualification relied upon, being founded upon a vote of one branch of the legislature only, could not be considered as a legal disqualification, which could be created only by an act of Parliament; that this vote of the House, *res inter alios acta*, could not conclude the freeholders of Middlesex, who had not been heard upon it, nor were parties or privies to it, and had an absolute right to vote for any person they pleased, not legally disqualified by an act of the whole legislature; that the giving Colonel Luttrell a seat in the House upon the ground of 296 voices only, in opposition to the declared sense of the freeholders, was depriving them of the exercise of a franchise, of all others the most important and dear to Englishmen, and under all the circumstances of this case must be considered as a ministerial appointment of a member for the county, in defiance of the electors and of all their rights, and would form a precedent in its consequences fatal to the liberties of the people and

absolutely subversive of the constitution. Many precedents were cited, and great variety of arguments and elucidations urged, on each side, in support of these different opinions and principles, by the several numerous speakers; amongst whom Lord North, the Attorney-General, Sir Fletcher Norton, Dr. Blackstone, and Mr. Fox, on the part of Colonell Luttrell, or rather of Administration, and Mr. Greenville, Mr. Wedderburn, Mr. Burke, and Colonel Barre, on the other side, particularly signalized themselves, and acquired great applause. The Administration came to this debate flushed with success, in having the week before, by their address, prevented the meeting of the Livery of London in Common Hall, for the purpose of petitioning in support of the Middlesex freeholders; and by this second complete victory seem to think that they have effectually established themselves, and broken the Opposition; that the spirit of party will by degrees cool down, and the whole Middlesex controversy subside. It must be owned they are now triumphant, and perhaps may be able to retain the superiority they have gained; but it is imagined that the freeholders and their adherents will by no means give up the point, but rather exert themselves with fresh vigor in consequence of this disagreeable and disgusting defeat. Their petition to the King, however, which was suspended to wait the decision of the House of Commons, has not even yet been presented, nor are they, I believe, fully agreed amongst themselves what measures to pursue next.

This debate closed the session, which the King the same morning put an end to by the speech from the throne, which has been already communicated to you, — still, you see, in the same strain with regard to the Colonies as that which he delivered at the opening of the session, marking those who have adhered to the interest of their country, disputed the exorbitancy of Parliamen-

tary prerogative, and opposed the encroachments and oppressions of ministerial power, as *factions and seditious*, and distinguishing those who would surrender everything into the hands of Administration, or of Parliament directed by Administration, and submit to the most unreasonable impositions of this country (if any such there be) as the only *well disposed* and loyal and valuable subjects. Let the latter, conscious, as they must be, of their own demerit, console themselves (if they can) with the miserable trappings of misapplied and mistaken epithets, bestowed upon them by a well-meaning but misinformed sovereign; while the former exult in the heartfelt satisfaction of having continued firm in the cause of constitutional liberty, and done their duty to their country, to themselves, and to posterity, as well as to their King, and, conscious of their own integrity, will sustain with patience the unmerited censure cast upon them, though coming from the Crown they reverence and love.

Yet in opposition to the sentiments conveyed by the royal speech, in direct contradiction to the express declarations of Lord North and other Ministers, in the last conversation in the House of Commons upon American affairs, which I have related to you, no sooner was Parliament prorogued but the subject of the American revenue was again taken up in council, and the Administration agreed to do that by their own authority which they would not permit Parliament to do; viz. to declare that the late revenue act shall next winter be repealed, and no new taxes imposed upon America, provided the Colonies continue quiet, and no new provocations are given. Accordingly, intelligence of this intention has been given out to the merchants here, to be by them transmitted to their correspondents abroad, and, we are told, has also been communicated, by a circular letter, to all the Governors upon the continent. It may be asked with propriety, Whence proceeds this sudden change?

Why might not Parliament have given this encouragement, as well as Ministry? Why might not the act have been repealed as well this session as next? If it will be right to do it then, why was it not so now? Or what reason will operate then that had not equal force before Parliament broke up? How shall we account for this unexpected flow of good humor towards the Colonies, and what is the policy of this measure? Some of these questions I believe Administration cannot answer themselves, and others of them it is easy to answer for them. I will hazard my conjectures, which if they are not all perfectly well founded, are certainly not totally groundless.

Had Parliament given this encouragement, it must have been public and positive, it would have appeared in their votes, and they would have been bound by it. Ministry are not so. As they have conducted the affair, they can recede with ease, if they should find it expedient. The motives that now influence them may cease before next winter; they may not continue in power, or, if they do, can never want pretences and plausible excuses for avoiding a declaration so indeterminate and conditional as this is. They imagine, however, that it may amuse the Colonies in the mean time, and finally leave them, when Parliament meets, to do as they please. They have now been informed that all the Colonies are united in their resolutions not to import goods. That union appears formidable. They hope by this artifice to recover the trade of America, which they see begins to languish, and if not revived will certainly create uneasiness here. They hope the merchants, in prospect of the proposed repeal, will now depart from their resolutions, and give orders for goods. At least some may be induced to do it. It may, perhaps, produce a difference in opinions. The Colonies may be divided; and, their union once broke, they are sure of ruling them in their own way. If it answers no other end, yet it will keep the mer-

chants and manufacturers here quiet for the present, in expectation of the effects they wish it may produce in America. Besides, I have reason to believe that there was a difference in opinion upon the conduct which they should hold towards the Colonies, between the two branches of the Administration, — the G—f—n and the B—f—d, which produced warm altercation, and could not be reconciled but by adopting this measure. They mean, too, the securing themselves in power, by taking from Opposition the merit they may claim with the public from any proposal of this nature on their part; by this step they meet them in their own way, forestall them (if I may be allowed the expression) with the public, and wrest out of their hands a weapon which they saw they would wield against them with success. These, or something like these, I conjecture from the whole face of things, were the motives and occasion of this declaration on the part of Administration; not any real change of opinions, nor any new affection for, or better disposition towards the Colonies. Not that I mean to insinuate that the act will not be repealed next session; on the contrary, I think it very probable. I thought so before this declaration as much as since. Nay, it is not impossible but it may be the strife of all parties to effect it, and the only struggle may be which shall have the merit of doing it. I mean only that this declaration ought not to be a ground of confidence, nor to put the Colonies off their guard, nor induce them to remit their attention to this important object, nor to omit any one reasonable step to insure success. Whether the act shall be repealed or not will, after all, depend upon their own conduct. I hope, therefore, this declaration will have no more effect in the Colonies than it ought to have, namely, to convince them that their cause is far from being desperate, and especially that it will not break that union, and harmony, and collected attention to their

own interests, which are their greatest and best security. Their firm perseverance in the principle of maintaining their just rights, and in encouraging and practising industry and frugality, will be infinitely a better security for the redress of all their grievances than any Ministerial declarations or promises can be. The one cannot fail; the other is of all things the most precarious. These sentiments would be condemned here, and perhaps may be so in America, as flowing from unnecessary fears and unreasonable jealousy. I think they merit better epithets, and are founded in necessary prudence and justifiable circumspection. It is no uncommon thing in the course of contests for men to speak peace, while war is yet in their hearts; and after such a series of artful, not to say insidious policy, as has been exercised towards the Colonies of late years, a little incredulity, at least a good deal of caution, on their part, cannot be a crime. There are many degrees, in common life, between the plausible professions of friendship, and the actual sincere practice of it; there are yet many more in political life. Let us see a little of the latter before we remit that vigilance which has probably procured us the former.

I must not forget to acquaint you farther, that, notwithstanding the generality of the declaration, as given out here, which implies a total repeal of the act, it already appears, as you may perhaps also collect from the circular letter, that Administration have a saving with regard to the *duty upon tea*, which they probably mean to retain. This, say they, the Colonies will not object to, because the tax is easy, and the late regulation really makes tea come cheaper to them. The fact is, duty upon that article has already been considerable, and they apprehend will hereafter amount to a much larger sum; all the rest, they see plainly, are and must be trifling, and may without injury to the revenue

be sacrificed. But if they retain the duty upon any one article for the purpose of revenue, do they imagine the Colonies will not see that it is still an actual exercise of the right of taxation which they claim, and constitutes a precedent against them, in which the Colonies cannot consistent with their principles or rights acquiesce. It is not, I apprehend, the amount of the duties arising by this act that is the chief ground of the dispute, but the nature and purpose of them. The principle upon which they are founded, alone, is worth contesting. A tax of a penny is equally a tax as one of a pound; if they have a constitutional right to impose the first, they may the last; and if they continue the one, with the acquiescence of the Colonies, though for the present no more be pretended, I, who am no prophet, will foretell with certainty, that, upon the ground of that precedent once admitted and established, they will impose the other also, and finally will be limited by no other consideration but what the people may be compelled to pay, not what it is right they should give.

Besides, the other duties (perhaps all of them), in several respects, are advantageous to the Colonies, or certainly may be so, because they must operate by way of premium upon American productions, will encourage the people to extend and increase their manufactures of every species, and especially those of the particular articles so taxed, and are a powerful discouragement to unnecessary consumption and luxury of every kind. So that, were it not for the precedent established by the act, as being an actual exercise of the power of taxation, one might very safely pronounce this to be the most beneficial act of Parliament, in its operation, that ever was contrived for the Colonies. It will be considered, also, that if any manufactures of glass, paper, &c. have been, in consequence of this act, established in the Colonies, as I doubt not there have, the repeal of the tax

upon those articles will certainly injure those manufactures especially, and prejudice every other, if not totally ruin them, and in future discourage any attempts of the like kind; than which nothing can be more fatal. A partial repeal of the act, or a modification of it, is therefore certainly not to be wished for by the Colonies, since they must lose by it the manufactures they have already established, with the prospect of all future ones, and in point of right or precedent will have gained nothing. Nay, in this point of light, when one considers the good effects which it has already had, and will probably produce, one is almost tempted for a moment to forget the matter of right, and to affirm that the Colonies should rather beg it may remain forever untouched, and, instead of asking again for the repeal of the act, or consenting to it, should address Great Britain to this effect: "You, unwisely for yourselves, and injuriously with respect to us, imposed duties upon your own manufactures, which you had in effect obliged us to take, by prohibiting us to purchase at any other market. Not content with the monopoly of our trade, and the right you had by that means acquired of charging your goods to us at your own rate, you wished to extort a further price still by revenue laws, the produce of which was to be applied to the most odious and dangerous purposes. We, unwilling to depart from the course we have been so long habituated to, of cultivating our lands and consuming the manufactures of others, attached to the luxuries you had indulged us in and taught us to be fond of, yet tenacious of our rights,—alarmed at this attack upon our property, and solicitous for your happiness as well as our own,—we pointed out to you the injustice, the ill policy, the imprudence of the measure you had adopted. We petitioned, we remonstrated, we begged you, for your own sakes as well as ours, to correct your mistake: we entreated you by every consideration of equity and pru-

dence to repeal the act. You rejected our petitions, you condemned our advice, you turned a deaf ear to all our supplications; and, while we submissively asked it, sternly refused to relax your authority, or recede from your resolution, because we had presumed to question your *right* to do *wrong* both to yourselves and to us. You remained inexorable. Behold now the consequences! It has opened our eyes, and caused us to see and attend to our true interests; it has taught us industry and economy, given us manufactures, increased our frugality, discouraged luxury, retrenched a ruinous trade, moderated our vanity, warmed our public virtue, given us union, harmony, and political vigor, enlarged our views, shown us our own strength, and taught us to provide for ourselves. You meant it a burthen, we have converted it into a blessing; you meant it a means to increase your own revenues, we have rendered it an inexhaustible source of internal wealth to ourselves; you intended to drain us of the little property we had, we have prudently preserved that, and laid deep foundations for acquiring still more extensive and permanent property. In fine, you gave it as a mark of our dependence and subjection to your *will*; we have made it a sure means of obtaining those real riches which will give us stability, and render us independent, at least of your *caprice*. We see, we feel, the happy effects of the imprudent step you have taken. We have by remonstrating secured our own rights, and, by denying your authority to tax us, prevented this act from becoming a precedent for future impositions. You can never have it to say that we acquiesced in the exercise of the unreasonable authority you claim, to take our money without our consent, and imagine you will not soon nor rashly repeat the experiment. You are welcome to the miserable pittance you can obtain by a duty upon articles which we will not consume, which you have kindly taught us to despise, and

shown us that we can either make for ourselves or do very well without, a principle which we will also apply to innumerable other articles of luxury, and even to every necessary which our own heaven-favored climate and country will supply us with; which, in truth, will leave us nothing worth enjoying to seek from abroad, or, at most, nothing but what we can very well afford to pay for. Thus instructed by you, and taught that wisdom which, without the aid of your discipline, we should very late, perhaps never, have learned, we now beg you will not repeal this beneficial act, lest we, yet feeble in virtue, return again to our former follies, neglect our manufactures, relax our industry, forget our frugality, and, lost again in luxury, sink down into irretrievable infamy, contempt, and ruin. Let it remain, we beseech you, as a perpetual spur to our industry, an incentive to frugality, a monitor of our former dangers, a guard against future evils, and a support to those virtues which you have implanted in us. Do not now destroy our infant manufactures; do not again involve us in a trade which must finally ruin us; do not again open to us the sources of idleness and dissipation; but cultivate the good dispositions you have inspired us with; perfect the good work you have begun; in fine, persevere in your folly, that we may persevere in our wisdom."

Such a petition would indeed be a most curious phenomenon in the political world! I do not say such address ought to be presented; it were sufficient that the facts upon which it might be grounded really existed; they themselves would speak with a voice louder than the hoarse thunder which would be heard in the remotest corner of this kingdom, and make it tremble to its centre.

Lord Rockingham and Mr. Greenville, with their respective parties, have been the latter part of the session of Parliament united in opposition. Strange, unexpected,

heterogeneous conjunction, and totally incredible, if anything in the politics of this age could be so ! It is now, too, with confidence affirmed, that they have agreed upon the subject of the American question. Lord Rockingham is to concur with Mr. Greenville in asserting and maintaining, in the most explicit manner, *the right of Parliament to tax the Colonies*, and to bind them by *all laws whatsoever*, while Mr. Greenville is to admit, with Lord Rockingham, that it is not *expedient to continue* the late *revenue act*, nor to impose any new taxes *at present*. Admirable savings and explanations ! If this be true, it will confirm what I believe I have before said, that the Colonies ought not to rely upon any of the parties which divide this country. It is not *expedient to tax the Colonies at present*. While they are awake and aware of our machinations, it will not be prudent to attack them. Let us first lull them again to sleep with our *gentle guarded declarations*, and the moment they repose in filial confidence in our promises, the state of the case will instantly change ; it will *then* become *expedient to tax them*, because it may *then be done with success*. Such is the language of these conventions ! Happily for the Colonies, neither Ministry nor Opposition, neither one party nor another, nor all united, have any authority to agree away their rights or liberties ; and I hope they will agree to watch them all alike, be amused by none of them, become the property of no party, stand firm upon their own ground, be united amongst themselves, be cool and moderate in their deliberations, prudent and firm in their resolutions, sedate and steady in their conduct, virtuous, frugal, and industrious in their manners, — in a word, wise in all their ways ; and then, under the Divine protection, they need fear nothing. No weapon formed against the Colonies can prosper while they adhere to their true interests, and avail themselves, as they ought to do, of the uncommon advantages they

possess, and for which they can never be sufficiently thankful. These sentiments, I doubt not, very readily occur to all who consider the subject with any attention, and I beg pardon for the unnecessary repetition of them.

We are told here, and you may probably hear in America, that Administration are forming a variety of new plans for the government of the Colonies, for a revision of all our laws, the new modelling our constitutions, the establishing a Parliament for the Colonies to meet at New York, &c., &c.; in short, for an entire new system of American administration and police, which they intend to digest this summer, and propose next winter to Parliament. This would indeed open a vast scene of deep consideration and interesting discussion for all the Colonies, and for none so much as for the Colony of Connecticut; but you will at present give no credit to these reports should they reach you. There is yet no good authority for any of them, nor should I mention them but only to prevent any unnecessary anxiety which such intelligence might occasion. If there really are such designs in hand, they will be discovered; and as they open and appear to be of any importance, I will, while I continue here, carefully observe them, and have the honor to communicate to you whatever seems to merit your attention.

The Mohegan cause remains much in the same situation as when I wrote last. I sometimes imagine that the Colony—wearied, as I am, with these delays, and chagrined at the burdensome expense attending this disastrous cause—will wish I had long since come away and left it to its fate, or had done anything rather than continue here spending the public money. Could I have persuaded myself that it was consistent with their interest, or my duty, I should certainly have done so long ago, especially as my own affairs have so strongly de-

manded my return; but the cause, though thus postponed, has been constantly and still is in such a situation as to seem to promise a speedy decision, as well as to require that attention which it is my duty to give both that and all the other interests of the Colony. It seems probable, also, that it may be of some utility still to attend to the general affairs of the Colonies, in which we are so deeply interested; to observe with care the various windings and turnings of those in power, and discover, as far as may be, their views, schemes, and designs, as well as the different mutations, combinations, connections, and struggles of the several parties here, especially as they either do now or hereafter may affect that country, and in general whatever in the course of affairs here may tend to serve or be dangerous to it. In this situation, it seems to be my duty not to abandon the cause, and I presume it is expected of me that I abide by it until I see its event, or receive some further directions with respect to it; and however inconvenient it may be with respect to myself, I will always endeavor to submit without reluctance to the dictates of duty. It is more inexpedient, perhaps, than difficult, to explain particularly the different reasons and occasions of these delays, and the true grounds of the particular conduct which has been held on the part of the Colony and the proprietors. The reasons for such silence will readily occur, when the affair is considered in all its connections and circumstances. Some explanation has, I believe, been made by Mr. Jackson, and as to anything further we have only to beg that the Colony will be assured that nothing has been done, or omitted to be done, in the course of this tedious affair, but upon mature deliberation, and the closest attention to the real interest of the public and of the proprietors of the lands in controversy, as well as by the best advice. Prudence in business is of equal importance with despatch, and caution is always

preferable to precipitation. Those who serve the public or individuals with purity of intention and a sincere regard to their interest only, according to their best judgment and abilities, need never, I think, distrust the kindness and candor of their employers, nor doubt that a favorable construction will be made of their own conduct. With these sentiments, and the long experience I have had of both, I cannot but have the clearest confidence in the continuance of your candor and that of the Colony I have the honor to serve. More I cannot say upon this subject at present with propriety; less, perhaps, would have become me better, and I remain, with the most sincere respect and esteem,

Your honor's most obedient and most humble servant,
W^M SAM^{LL} JOHNSON.

P. S. The Middlesex petition, I find, was presented very quietly this morning, and the Council are to meet this evening, I presume upon this business. You will probably soon see a copy of it (which is not yet to be obtained) in the public papers, and the answer it receives, and whether it produces any considerable effect. It mentions the American grievances amongst the rest.

Indorsed, "Received 31st of July."

WILLIAM SAMUEL JOHNSON TO WILLIAM PITKIN.

Honorable William Pitkin, Esq.

WESTMINSTER, September 18th, 1769.

SIR,—When I wrote you, the latter end of July, the Ministry still quietly adhered to the resolution, which I had before acquainted you they had taken, of repealing the late revenue acts upon commercial principles, and in

part only reserving the duty upon tea, which it was imagined would be the most beneficial part of those duties, — a measure which they vainly thought would satisfy the Colonies, and restore the trade they were in danger of losing; nor did there, as you will have seen by my letter at that time, seem to be any probability of a change of Administration. Soon after that the resolutions of Virginia arrived, and were quickly followed by those of the Assembly of Massachusetts Bay, which discovered a firmness and intrepidity that was little expected. It had been hoped that the resolutions of Parliament and the other steps taken by government would have at least repressed the zeal of the Colonists, if not intimidated them, and would have produced caution on their part, if they did not draw from them concessions. Happily, nothing of this kind appeared; on the contrary, all the intelligence from that side disappointed their expectations and contradicted their views, which conspiring with the increasing disorders of this country, they were in a situation not easily described; their measures both at home and abroad seemed to be broken, and their system, so far as they had any, at an end. Since it was apparent that they could not intimidate the Colonies by violence, nor deceive them by finesse, the Ministry seemed disposed to give way to them; not indeed upon principle, but from conviction that it would be impossible to carry their point while things were in such disorder at home. They wished, I believe, to make peace at almost any rate with the Americans, that they might with more collected force combat their domestic opponents. They who always speak the sense of the principal Ministers said in confidence to those who did not keep their secret: "It will be necessary to yield to these obstinate Americans. We can never manage them in this way. We must certainly let them have their will, at least for the present; by and by, perhaps, we shall find a more convenient opportunity to

bring them into order." Questions were also asked of the advocates of the Colonies which were of deep import: What would you have? How shall we satisfy you? You do not mean surely to be absolutely independent of this country, nor are you yet in a condition to set up for yourselves. We must therefore stop somewhere. Will you be content if the late revenue acts are totally repealed? Will you not also ask a dissolution of the Courts of Admiralty, of the commission of the revenue, and of the custom-houses? In fact, will you not insist upon the repeal of the Act of Navigation, and all others that depend upon it? These questions were not asked by accident, nor, I believe, without instructions, and plainly enough indicated an intention to get out of the controversy as easily as they could. It was even conceived by many, that, if the present set of Ministers continued, the Colonies would probably soon have it in their power almost to make their own terms with them, and it was hoped that their demands would be high enough to secure all the capital points of liberty, and prevent future disputes. This seemed to be the state of things some time ago, and until the intelligence arrived of the destruction of the armed sloop *Liberty* at Rhode Island¹ (which they would fain construe into an act of high treason); of the abuse of a King's officer, by tarring his clothes and wrapping him in feathers, which some would have to have passed at New London, though I see no evidence of its having been done, either there or anywhere else; of the transactions at New York relative to certain goods imported there; of the positive refusal of the Massachusetts Assembly to make any provision for the expense of the troops; of the contemptuous resolutions (as they call them) of the Boston merchants, renouncing

¹ This occurred on the 19th of July, 1769. This sloop was the same vessel which had belonged to John Hancock, and which had been seized by the revenue officers in Boston, the year before, for smuggling. See p. 301, *note*. — EDS.

all acquiescence in any repeal of the duties which may be made upon commercial principles only; and other late transactions in the Colonies, which have greatly excited the resentment of the Administration, and they hope will awake the indignation of all parties, and unite them against the Americans. In hopes that this will be the case, they now give out doubts whether any parts of the late acts will be repealed, or anything done which may seem to favor the Colonies; and hint at farther measures of severity as necessary to repress what they are pleased to call the rebellious spirit so predominant amongst them. These suggestions, however, may perhaps be intended only to secure them an opening to take such part as the state of parties may require at the meeting of Parliament, that, having thrown out intimations both of plans of indulgence and schemes of severity, they may without embarrassment adopt either the one or the other, as the temper of the House shall seem inclined, or they may think will best answer their own purposes. What effect Governor Barnard's representations will have (which have not yet been fully considered) cannot now be determined; but hitherto it seems most probable that the plan of concession will be adopted. On the part of the Colonies nothing could have been done farther, that I know of, to put their cause upon the best ground, but for the merchants to have adhered more perfectly to their resolutions of not importing goods. It has been most industriously given out here, that, notwithstanding those agreements, ships have been continually going out deep laden with goods of every kind; that it even appears by the custom-house entries that the exports of this year have been very little, if at all, inferior to those of former ones, with various other reports of the like kind, which have been propagated with great assiduity to keep up the spirits of the people. I know from my own inquiries that those representations are false, and that all the accounts of

the exports have been exaggerated far beyond the truth. Yet I must own that the same inquiries have convinced me that those salutary agreements, upon which our safety and success in this country so much depend, have in many instances been shamefully broken through by some, and as artfully evaded and counteracted by others, by which too much ground has been given to represent the Colonies as unstable, divided, and irresolute, — to persuade the people here that they cannot exist a moment without the trade of this country, and that all the pretences of declining it are mere finesse, frivolous, and vain. I see, however, that some care has been taken on that side to prevent the sale of the goods so clandestinely imported, which may perhaps discourage further attempts of that kind; and I am satisfied that the trade, notwithstanding all the infractions of the agreements, has so far declined, and is still farther declining, as to be pretty severely felt by the manufacturers in the ensuing winter, and to render it very necessary for Parliament to do something for their relief. I have had the great pleasure, also, in several excursions I have made into the country in the course of the summer, to find that the cause of the Colonies has gained ground among the country gentlemen and the bulk of the substantial people, as it had before done in the city; — with many, I believe, from a rational conviction of the justice and equity of our claims; with more, perhaps, from apprehensions of the loss of those emoluments which they have derived from our connection with them. Upon the whole, notwithstanding the present indignation of the Ministry, our affairs have a tolerable promising appearance, and we seem to have reason to hope for a reasonable share of attention in the deliberations of the approaching Parliament, which it is apprehended will be as important both for the Colonies and this country as any we have seen, though it is whispered that Ministry do not intend they shall meet for the despatch

of business until after Christmas, and it may, perhaps, after all the great things now expected of it, turn out as insignificant as the last. We, in fact, seem to be at the eve of some very decisive political revolution; but how these struggles will end, or what will turn up, it is impossible for any man to determine with precision; and with respect to any future events I can only give you bare conjectures;—such indeed as the present state of things seems pretty fairly to authorize, but yet very uncertain, because, in the very fluctuating condition we are now in, affairs are every day almost varying, and assuming new appearances.

The ferment amongst the people occasioned by the introduction of Colonel Luttrell into the House of Commons in opposition to Mr. Wilks, has been most assiduously kept up and increased through the summer, both by his friends and by the Opposition (who, though acting with different views, and upon very different principles, all equally conspire to awaken as far as possible the resentment of the people against the Ministry); and aided by a late spirited attack upon some great men (connected with Administration) relative to their malconduct in negotiating the late peace, and some other accidental causes, it is now worked up into real rage, which threatens not to be satisfied with the dismissal (even if that can be obtained) of the present Ministers. The history of this country in every age shows us, that, when the indignation of the people of England is thoroughly inflamed, they are not to be satisfied but with the destruction of those who are the unfortunate objects of their wrath. This seems almost to be the case at present, and we already hear many cry aloud even for the blood of those by whom they believe the liberties of the nation have been attacked, and its honor sacrificed. Petitions are also coming up from divers quarters, and every new one seems to assume a still stronger style and a bolder tone. Several

have already been presented, and others are preparing, in which not only the Administration is charged as being arbitrary, oppressive, weak, and wicked, but the House of Commons itself is attacked as venal, corrupt, and abandoned, and his Majesty is expressly requested to dissolve them, as unworthy of the trust reposed in them. The Ministry on their part, though evidently embarrassed, put on as good a face as they can, affect sometimes to despise, and at others to ridicule, the clamors of the people, and seem to think that by adhering to their measures and holding on their course (as they express it) with moderation and firmness they shall be able to ride out the storm, the fury of which they hope will ere long blow over; and their friends affirm that his M——y, considering their cause as in some measure his own, and the attacks upon them as the efforts of faction and sedition to disturb his government,—not the zeal of patriotism soberly solicitous for the public weal,—is determined at all events to support them. On the contrary, the Opposition affirm (and it seems to be the more general opinion) that it is altogether improbable that they should continue. The K—g, say they, will soon see that this is a controversy in which *all may be lost, and nothing can be gained*.

Lord Chatham has certainly in a good degree recovered his health and is united with his brethren Lord Temple and Mr. Grenville,¹ and intends, if his present health continues, to take again a part in public affairs, which, notwithstanding the cloud he has so long lain under, must no doubt be a very respectable one. We are well enough assured, too, that a negotiation has been long on foot, and is very far advanced, to conciliate effectually the Rockingham party, who, as I have acquainted you, in many things

¹ This, we believe, is the first time that this name has been spelled in these letters with a single *e* in the first syllable,—the usual way of spelling the name of this statesman. — Ebs.

acted with them in the last sessions. Indeed, should these three great parties, headed by such able men as belong to each of them, be perfectly reconciled, and with united force engage heartily in Opposition, it seems to be hardly possible that the Ministry, especially with the odium they are already under with the people (who have yet some weight, though infinitely less than they ought to have), should be able to maintain their ground, or support themselves against them, unless they should fairly throw off the mask (which some of them have undoubtedly more than once thought of doing), employ the army, and subdue by force those whom they cannot govern by policy. In this case, which I mention only as possible, not, I hope, as very probable, we should see this country in the most critical situation that it ever experienced. Never did the people engage in the struggle for liberty under so many disadvantages. Never did Ministers attempt to establish despotism, possessed of such power, or supported by such regular, well-disciplined force. Never was public virtue at so low an ebb, nor Ministerial influence (by means of places, pensions, &c.) so unlimited. Never were the people so unarmed, so unskilled, so unprepared to exert force, nor the Administration so well furnished with every means of subverting the constitution. Nevertheless, when the spirit and the wealth of this people and other circumstances are well considered, I flatter myself that the friends of liberty and the constitution need not be discouraged, and that there is great reason to hope that, should the contest be pushed even to this last extremity, the struggle would end, as all others in this country have hitherto done, in the re-establishment of the constitution, and the increase of public liberty. Not to mention other favorable circumstances, the army themselves, degenerate as they are and dangerous as they always naturally must be to liberty, could not yet, I hope, be brought to give their assistance in abolishing the constitution of their

country. Even if the superior officers, by the prospect of large emolument, might be wrought upon to embark in so villanous and unnatural a design, yet I believe the inferior officers and soldiers have too much honest virtue and public spirit left to become the detestable tools of despotism. Reflections and conjectures of this kind will almost unavoidably crowd themselves upon one when the state of things here is considered, though it is to be hoped that there is by no means any immediate prospect of our seeing the experiment made. It is much more to be expected that, after some farther struggle, we shall see a change of Ministers, and, in consequence of that, a change of measures, at least in part; and that things will after a while return again pretty nearly to their former state.

Whether we of the Colonies have much reason to wish for a speedy change of Administration, I am in doubt. Hitherto these men have certainly, however little they intended it, played into our hands, and, harassed as they are with their own internal dissensions, solicitous to retain their power, and doubtful of its continuance, perhaps we shall find no set of men so little able to carry into execution any vigorous measures against the Colonies, or who, to settle a controversy which adds greatly to their other embarrassments, will make greater concessions to them. They certainly wish to have as little as possible upon their hands, and will interfere no farther than is absolutely necessary for their own security in any distant dissensions, either European or American, that they may, as I have said, with more collected attention and force apply themselves to their domestic disputes, and to the security and increase of their own power, the ultimate object of all their conduct and designs. Besides, if a change does take place, it is most probable that it will be effected by a union of the three great parties above mentioned, who will in that case, whatever plan they adopt, be very formidable in America, as well as in this

country. They have *all* long since agreed that America must be governed by and rendered effectually useful and subordinate to this country, though they have differed in the mode; with regard to which, though there are very essential differences even to us, yet in the end, if they are to reap the fruits of all our labors, and conduct all our affairs, solely with a view to their own emolument, we shall certainly find the domination of any of them disagreeable enough. How these three seemingly opposite parties may agree upon the subject of America, I have, I believe, before mentioned to you. Mr. Grenville will give up the idea of direct taxation for the purpose of revenue only, to unite with Lord Rockingham in maintaining the right even to that, (though not expedient to be directly exercised at present,) and effecting the same thing in a less odious manner by commercial regulations, in which Lord Chatham will concur, though he gives up the right of taxation; while he adds to the commercial principle of the two former the dangerous idea of a right to restrain us absolutely from every species of manufacture, even, as we know he expressed it in his speech at the repeal of the Stamp Act, from manufacturing *even a horseshoe*; and whatever he says shall be done, or not done, we know, should he come into power, must be punctually obeyed, or, to use the language of a celebrated writer, *all the dogs of war are instantly let loose*. It is with him but a word and a blow, and the one commonly so soon succeeds the other that it is sometimes difficult to determine which issued first. At least, it is so uncertain which set of men will be most beneficial for us, and so doubtful what principles will be adopted by either of them, that (merely as Americans) I think we need neither anxiously hope nor fear a change, but may fairly stand by and let them squabble it out as they can, while (as, if I recollect right, I have before suggested) we embark deeply with neither, but attentively mind our own

business, get rid as we may of the burdens we are now under, and prepare ourselves to meet the measures of either party which may happen to possess power, or of all of them, whenever we find them inconsistent with the true interest of the Colonies.

I have now the pleasure to acknowledge the receipt of your favor of the 1st of June, which came to hand a day or two ago, and relates principally to the Mohegan cause. I do not wonder that Mr. Mason should give out such confident declarations with respect to the success of his cause: he might think them necessary to keep up the spirits and increase the numbers of his friends, and, being matter of opinion only, might innocently enough be the suggestions of a warm imagination, willing to flatter itself with agreeable prospects. But I am much surprised to find that he should venture to assert that the agents of the Colony have endeavored to prevent a trial of the case, and especially in so unworthy a manner as that of bribing his uncle's attorney,—accusations perfectly groundless and injurious. It is true, all fair and reasonable endeavors have been used by them, as was their duty, to prevent his Majesty or his Ministers from being imposed upon, and prejudiced against the Colony, by the insinuations of his friends, or their engaging the Exchequer of England in a groundless controversy with the Colony of Connecticut. This has been done openly and avowedly, yet fairly; but the agents of the Colony have not descended so low as to tamper with his attorneys, or interfere in his debts, which neither their regard to the honor of the Colony, nor to their own reputation, would ever have permitted them to do; nor, even if they could have been so mean, would it have been an object in any degree worthy their attention. He knows not, I am persuaded, to this day, the particular steps that were taken in this business (having been personally very little conversant in it), nor

the true grounds of the order which was issued by the Treasury to their Solicitor, to pay his debts, and to carry on the cause; and I am sorry he should take upon him to misrepresent what he appears to be so much unacquainted with. But such representations will, I trust, neither benefit him nor his cause, nor prejudice us; and I am therefore very little solicitous about them. His friends have not been wanting to suggest here, whenever they thought it would make any impression, — as he has done, it seems, in America, — that he could get no evidence taken or authenticated by the officers of the Colony, which I never imagined had the least foundation; and the calumny has been obviated in the best manner it could, but will be more effectually contradicted by the intelligence you have favored me with. The evidence he has taken relative to the mean profits, they must be sensible, can have no fair weight in the case, but is calculated, as many other branches of their case are, to amuse and mislead those who do not understand the state of that country, but which, I fancy, they will find to be of no great service to them. Since his return, his friends have boasted much of their success in detaching the Indians totally from the interest of the Colony, (which I am sorry to find is so well grounded,) and amused themselves with ridiculing the unsuccessful steps taken by government to conciliate them, — particularly those in consequence of the death of Benjamin Uncas, the late sachem. It was too late in the season before Mr. Mason arrived to have much hopes of a trial before some time in the winter, and they now say they shall be ready for it the first opportunity. I am glad the tenants in possession of the land did not think proper to enter into compositions with him, which, however the cause may issue, I apprehend could be of little use to them.

Lord Hillsborough is at present in Ireland; as soon as he returns, I shall present him the thanks you direct. I

shall with great pleasure receive from the committee you mention any notices they shall be so good as to give me relative to the Mohegan affairs, and am, with the greatest esteem and respect,

Your Honor's most obedient and most humble servant,
WM SAM^{LL} JOHNSON.

P. S. I have found it necessary to remove from Lancaster Court, and have taken lodgings at Mr. Lightfoot's, Linen Draper, next door to the Swan Tavern, in Bridge Street, Westminster, where you will be so good as to direct for me, when you favor me with your commands.

Indorsed, "To Governor Pitkin, dated Sept. 18th, 1769. Received by J. Trumbull, Dec. 27th, 1769, at Hartford."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, October 16th, 1769.

SIR, — I have the honor of your very agreeable and entertaining favor of the 14th of July, and return you my best thanks for the particular and very useful information it contains relative to the Mohegan controversy. It appears by all the intelligence with regard to Mr. Mason's proceedings in America, and from what I have learned from him since his return, that the principal object of his voyage was to obtain farther supplies of money towards carrying on his cause.¹ The evidence he has taken is, I believe, in the opinion of his friends, of little importance farther than as it may serve to amuse those who are unacquainted with the affairs of that country, but of none to the merits of the cause. It is

¹ See page 320. — Eds.

intended to serve the same purposes, no doubt, with the petition from the Indians, offering the Crown a quit-rent for their lands; to magnify his pretensions to conciliate favor, or, what is perhaps of more importance, to represent those lands as an object worthy the attention of those who are attentively looking out for every source of acquisition in this and in every other country; and who they hope, perhaps, may be thereby induced to lend their assistance in recovering them, nominally indeed for the Indians, but in reality that they may in the event themselves derive some emolument from them, — unreasonable and unrighteous purposes, which it will be our business if possible to prevent. It seems his friends, flattered with fond hopes of success, have furnished him with some money. I am glad, however, that the tenants in possession have had the firmness to resist both their flatteries and their threats. Notwithstanding all the fine things he has, I find, said there, and the confidence with which he has assured his friends of success, neither has he any fresh grounds of hope, nor we of fear. I do not, indeed, pretend to say that we are in no danger of losing the case. No man who knows the uncertainty of legal controversy, even where justice may be depended upon, so far as the diversity of the opinions and judgments of even wise and good men will permit us to be sure of it, will pretend to assurance, or speak with absolute confidence of the events of a lawsuit; much less will a man do so with respect to a cause which has such a mixture of politics, as well as of fact, law, and equity in it, as this has; in which kind of ambiguous causes men of ordinary integrity often seem to think, though I hardly know why, that they are less precisely confined to strict rule than in the decision of mere legal disputes. Least of all can one assume such confidence, when so mixed a cause happens to come in question, at a time when the jealousies and the resentments of all men are awakened,

and every passion of the mind agitated, by the interesting controversy between the two countries; in which those who may take a part in deciding this particular dispute have had no inconsiderable share. The latter circumstance, especially, removes all ground of assurance, though perhaps not equally, yet most surely, from both parties. For who can balance the force of all the considerations which, in such a case as this, may be derived from policy, prejudice, party, prudence, resentment, law, and equity? or pretend to determine with any precision what effects each of them will have, or which will prevail, in the minds of even learned judges, and much more of ignorant ones? for such (at least of the full extent and real merits of so complicated a cause as this) may chance to fall to our lot. But it is enough to oppose these considerations to the confident assurances with which Mr. Mason has endeavored to amuse the people, and to assure the tenants in possession that he speaks what he wishes, not what he knows, and that in fact he has no particular foundation for his confidence other than the force of his own imagination; while, on the other hand, they must be satisfied (if they have at all examined it) of the justice and equity of their cause, which is in all cases the best, indeed the only sure, ground to stand upon, and on this they ought calmly to rely. In all events, what would any composition with Mr. Mason avail them? He can neither convey the title, nor protect them against the claims of the Indians. His influence over them may not be permanent, and will not, I fancy, continue long after the decision of the cause, nor, if it should, will it be uncontrolled; nor will it be left in his power to dispose of any part of the lands, so that in all events compositions with him must be fallacious and fruitless.

The appointment of a committee to treat with and inform the Indians, upon occasion of the death of their

sachem, was a judicious step. The state of the case you have favored me with is extremely well drawn up, and, with the representations made to them by you and the other gentlemen of the committee, admirably well calculated to give the Indians, as well as all who wished to be acquainted with it, a just idea of the dispute ; nor can I doubt but that the visit you have made them will have good effects, however little impression it might at first seem to make upon them. Mr. Occum, I saw when he was here, was warmly enough engaged in the affair, and with more prejudice and passion than I hoped he would have expressed, after the many favors he had received in the Colony, and more than I thought became his situation. It is chiefly by his influence, I imagine, that Mason's interest is extended amongst the Indians, and their minds farther alienated from the Colony, which, though of little consequence in itself, is endeavored to be represented here as of very high importance. It is pretended that they have very close connections with the Five Nations, and through them with all the far tribes throughout the continent; and that there will be the utmost danger of an Indian war (which, by the way, they dread here almost as much as one with France), if the Mohegans are not gratified ; than which nothing can be more groundless and ridiculous. But when men get deeply engaged in controversy, they are too apt to throw off all restraint, and to represent as fact things which it is impossible they should themselves seriously believe to exist, and at most barely imagine to be possible.

The genealogical draught will be of use, — of as much, I fancy, as Mr. Palmer's papers, which it would be worth while to receive as a present, had he the generosity and justice to give them up, but are by no means worth purchasing. Your idea of the grounds and occasion of this injurious controversy, and the means by which it has been kept alive, are perfectly just ; and when one con-

siders the fair and full title obtained by the Colony and the people holding under them, and the clear, upright conduct of both towards these Indians, from the year 1636 down to the time you last met them at Mohegan, one is surprised how the controversy could ever have existed, and much more that it should have gone the lengths it has. Indeed, nothing can fully account for it but the most bitter and implacable malice, not only against the people, but also against the constitution of the Colony, which, I think, it is clearly seen has been all along struck at, and intended to be affected by this unreasonable and groundless prosecution. I am loath to impute so dark a design to all the immediate actors in this business, but I am well founded, I think, in saying that to this it has been owing that they have, from time to time, met with so much countenance and support, both in this country and in that. What renders the case peculiarly hard is, that the only plausible pretensions they may have are founded upon the superabundant kindness and benevolence of the Colony to these Indians. For had the Colony relied absolutely upon the title acquired by the contest, and the deeds of 1640 and 1659, and given themselves no farther concern with them, there never could have been a shadow of pretence that the Indians had any title left; nay, we know they would not now have even existed. The only difficulty arises from the transactions on the part of the Colony, which *seem*, after all, to *admit* the Indian right. They treat them *as though* they were the owners of the land, notwithstanding the conquest they had made and the deeds they had taken, and thereby *seem to waive* the title they had acquired. And though by the treaty in 1681 a title was acquired, if there had been none before, yet still they go on to speak of them, and deal with them, *as the owners of the land*, and recede from their rights, however clearly and substantially ascertained. Now, though we perfectly

know how all this happened, that it was done in condescension to their ignorance and infirmities, and flowed from humanity, benevolence, and sound policy, not from any diffidence of the equity, nor doubt of the legality, of their title; yet it is a conduct so unusual, so contrary to the general practice of mankind, that it is difficult to give men of the world, who judge of others by themselves, right notions of it, or to persuade them to impute it to its true cause. Such uncommon generosity and goodness was in its nature liable to misconstruction, and we accordingly find it has been misconstrued, and has in fact been the source of all the trouble we have had in this business. *Ex ore tuo* is the ground of the only reply they can make to our title, which is of any even seeming validity. But however difficult it may be, I hope we shall yet be able to set these matters in their true light, and to convince the most obstinate that justice may be claimed where generosity has been practised, and that moderation and benevolence, however long continued, and how far soever extended, do not extinguish a right once fairly acquired; but that, when a title is once legally vested, however for reasons of humanity, prudence, or policy it may at times seem to be waived, yet it cannot be renounced but by transactions equally solemn and efficacious with those by which it was created, and must be adjudged valid whenever ingratitude renders it necessary to resume and insist upon it.

The intelligence you have favored me with of the steps which have been taken relative to writs of assistance, is very obliging as well as useful to the purpose you mention. It gives me pleasure to find that it is so probable that the courts of the other Colonies will be agreed with you in this important point. Union in this, as in everything else, is of the last importance. If an united stand is made upon this occasion, I think it extremely probable

that this capital point will be carried without much difficulty; and it will be a very great satisfaction, and not a little redound to their honor, that the Superior Court of Connecticut have taken the lead in a matter of so much consequence to the liberty, the property, and the security of the subject. The examples of the courts of the Massachusetts Bay and New Hampshire ought not to influence the courts in the other Colonies. It is easy to account for their conduct. But of them it is most candid to say, that they were surprised into this injudicious step, and to suppose that they wish it were now *res integra*, and to do again, that they might unite with their brethren throughout the continent in making a necessary and noble stand against so dangerous an encroachment upon the rights of a free people.

The assurances you are so good as to give me, of the firm universal union of all the people of America to assert and maintain their indubitable rights, give me the highest pleasure; especially as it has lately been propagated here, with much malicious assiduity, that the Southern Colonies differ greatly from the Northern, think they are going too great lengths, and will probably ere long entirely renounce all connection with them. This would be very fatal indeed; whereas such union, fortitude, and steady firmness as you assure me of, joined to a prudent, well-advised conduct, must render them impregnable, and insure their success.

Our Ministers have long listened to the flattering, falacious representations of their interested, wretched sycophants, and persuaded themselves that the opposition in America was no more than a petty, desperate, dying faction, not worth their notice. Though fully warned by the true friends of the Colonies, as well as of this country, of the weakness as well as falsehood of these representations, they easily believed what they wished, and fondly flattered themselves that their firm friends

had not misled, and would not deceive them. They acted upon those ideas, and have found themselves mistaken. Now that they see all their measures ineffectual, and their designs frustrated, that the Colonies can neither be intimidated nor amused, they begin, I believe, to think the affair is of a much more serious nature than they were aware of, and that it is necessary to act with more vigor, or with greater moderation, — to conciliate them completely, or subdue them entirely. Prudence points out the one, Indignation dictates the other. The interests of trade, the security and repose of the empire, and their own quiet, induce the first; while false notions of honor, passion, prejudice, pride, and the lust of power, urge the latter. Which will prevail, I will not take it upon me to say; perhaps, after all, that they may appear *wondrous wise*, they will adopt neither absolutely, but endeavor to hit upon some middle measure that shall partake of both; though I will venture to tell them that there is no medium, and that the only effectual, sensible system they can adopt is that of moderation and candor. They must resume the old plain (but almost forgotten) plan of justice and equity; nothing else will do. In truth, nothing is so easy, so plain, as the path they ought to pursue; to mistake it requires all the pains. Let them puzzle themselves and perplex us ever so long with their fine-spun artificial policy and prudence, they must at last find that all refinements are vain, and return from political cobwebs to common sense and common honesty before they can settle affairs upon a stable and secure basis. There would be more hopes of their soon doing this were it not for their intestine divisions and party squabbles, which have really risen to a most alarming height, and not only prevent a just and sober attention to the real interest and happiness of the nation, but actually seem to threaten a dissolution of the whole political system, and the ruin of the empire. From this

evil, however, great as it is, we derive one perhaps not inconsiderable consolation, that the malice of those madmen, who would wreak all their wicked wrath upon the Colonies, and plunge us in blood and perdition, is rendered impotent and ineffectual. Thus divided, they cannot act against us with vigor, were they so disposed; and the disease itself, which has occasioned in part our present troubles, will prove a remedy for them, or at least prevent their being urged to the utmost extreme.

The spirit of liberty is well awakened, and in full glow here, as well as in the Colonies, though not so well or wisely directed as it were to be wished it was. Hitherto, it is pointed rather at men than at measures, and conducted rather to subserve the vile vices of party, than to the recovery of the constitution, the re-establishment of public liberty, and the promotion of the general weal, which ought alone to be the objects of patriot attention and political contest. It is to be hoped, however, that by degrees it may be brought to run in right channels, and that happy effects may follow from the general ferment, which is, at this instant, working most fervently throughout the kingdom, and produces petitions to the Throne for dismissal of Ministers and the dissolution of Parliament, popular elections in cities and boroughs, and, as usual, to the disgrace of a good cause, mobs, libels, and licentiousness. Though the first effects may be the destruction of some bad men, who it were to be wished might atone by their forfeited heads for the badness of their hearts, yet the subsequent consequences may be of more extensive importance, and redound to the lasting benefit of the people. The last material struggle has been between the Aldermen Beckford and Trecothick (who are both our friends) against Sir Henry Banks for the mayoralty of the city. The Livery, by a vast majority upon the poll, returned the two first; the Court of Aldermen appointed Beckford, who at first refused, but

has now taken upon him the office, and will, I trust, endeavor to direct the interest and influence of the city on the side of liberty, and in favor of the Colonies.

It is expected that political affairs will assume a new face at the meeting of Parliament, which is anxiously expected by all men, (for it is not generally imagined that his Majesty will dissolve the House,) though the Ministry, for what reason it cannot be guessed, unless they fear a diminution of their strength, do not, it is said, intend they shall sit for the despatch of business until after Christmas. Whenever they assemble, it seems impossible that they should any longer stand neuter in these great national litigations in which they themselves are directly attacked. And if they are wise, they will now, before it is too late, take a deep and determinate part, and will labor with united counsels to dissipate the dark clouds that hang over us, to remove all real causes of complaint, to defend decisively that public liberty founded upon the laws which is the essence of the British government, and especially to restore the pristine harmony and tranquillity of the empire by every healing, every conciliatory, every gracious measure. Both Ministers and Parliament should, by what has passed on both sides of the Atlantic, be at length convinced that the people of Great Britain and her Colonies, too brave to be driven, too sensible to be cajoled, can never be subdued or governed but by the force of reason alone, — the only force that authority ought ever to wish to use with free-born subjects, — a force which they will generally yield to with pleasure, and the exercise of which on one side, and the ready submission to it on the other, will always be the greatest triumph of the natural good sense of the one, and the strongest proof of the genuine patriotism of the other. But whether the event will justify these hopes from Parliament, time alone can discover. It is rather, I fear, to be ardently wished, than in any good degree expected.

We must, however, hope the best, and, having done all in our own power, calmly leave the event to that wise and good Providence which superintends all affairs, — which ruleth not only the *raging* of the *sea*, but also the *counsels* of *princes* and the *tumults* of the *people*, and will direct all events, as well in the *moral* as *natural* world, to the best good of the whole. I am, with perfect truth and esteem,

Your Honor's most obedient, humble servant,

WM SAM^{LL} JOHNSON.

You will before this time have seen Mr. Lane, and, I hope, settled your affairs with him to your mutual satisfaction. If I can do you any service in any other affair, pray, command me.

P. S. Before I close my letter I will give you an extract of a letter, this instant opened, from a worthy friend in high life (a clergyman, and therefore not suspected by those he converses with), whose intelligences are directly from the fountain, communicated in confidence, and from pure disinterested affection to the cause of liberty and the Colonies: "I shall begin with politics, and you may be sure I think my notices *authentic*, otherwise I should postpone them. The friends of Sir Francis Barnard hope that the disagreement of the Southern from the Northern Colonies will effect the subjection of all to the legislative power of Britain. You may depend on it, the return of B. is not fixed upon. I should imagine that its contrary is resolved on. The Yorkshire petition is the most alarming to Administration of *any* other. In truth, (though my *knowing neighbor* says otherwise,) I begin to think P——t will be dissolved. If the Americans unite at this most critical juncture, they *may* carry their point. If they do not *now* unite, *effectual care* will be taken to prevent their uniting to *any purpose*, at any future period. It is pretty certain that Sir F. B.'s friends have hardly

any hope left excepting what arises from the disunion of the Colonies. You know what use to make of the hints I venture to give you, and I confide in your caution. Your situation is critical. May God direct you," &c. You have this under the same confidence that I receive it.

Yours,

W. S. J.

Indorsed, "Received January 19th, 1770."

JONATHAN TRUMBULL TO WILLIAM SAMUEL JOHNSON.

William S. Johnson, Esq.

LEBANON, 8th November, 1769.

SIR,—The death of the Honorable Wm. Pitkin, Esq., our late Governor, happened on the first day of last month. I heartily condole with you on this mournful occasion. His civil and religious character in public and private life was truly amiable, and his memory precious to us all.

This event happening so near the time of the usual meeting of the General Assembly, a special call thereof on this occasion became unnecessary. When the same convened, it was recommended to proceed to a new election of a Governor in his room and place; they then elected myself to that office until the general election in May next; Matthew Griswold, Esq., Deputy Governor, and Chief Judge of Superior Court; and William Pitkin, Esq., one of the Judges of the same.

Your two last letters to Governor Pitkin, dated 26th April and 25th May ult., which came to his hand, I had the pleasure to communicate to the Assembly, by whom they are much approved. The delays of the Mohegan cause are wonderful. That an affair wherein those In-

dians have been treated with such justice, kindness, and tenderness shall be and hath been the occasion of so much vexation, and made use of as a rod over the Colony. There are none that doubt your purity of intention, and sincere regard for our public interest, and I trust you will abide by the cause until you see it ended.

I have enclosed a resolution of the late sessions of the Assembly, occasioned partly by the Susquehannah Purchase, and to explain the right of Connecticut to all the lands which are contained within the bounds of our charter.

The Earl of Warwick obtained from the Council of Plymouth a grant of the sea-coast, from Narraganset River to the southwest forty leagues, to keep the breadth to the South Sea. This he assigned, in 1631, to Lord Say and Seal, Lord Brook, Lord Rich, Charles Fiennes, Sir Nathaniel Rich, Sir Richard Saltonstall, Richard Knightly, John Pym, John Hampden, John Humphrey, and Herbert Pelham, Esqrs.

The people of Connecticut purchased the title of the Lords, of Mr. George Fenwick, December 5th, 1644, and the money was paid for it; but the deed is not found with us. It may possibly be found in the hands of Mr. Fenwick's or Mr. Hopkins's descendants. The latter was Governor here at the time, and the former after that sale joined with the Colony, and was chosen an Assistant. They both returned and died in England, in the spring of the year 1657. Colonel Fenwick, by his last will and testament, proved in Sussex in England, April 27th, 1657, gave £500 to the public use of the country of New England. Mr. Hopkins left at least £2,000, to be employed for breeding youth at the grammar school, or college, in New England. The donees intended by the testators have never yet had the benefit thereof, and perhaps never will, although it is great pity they should be deprived of it. You see the design of this resolution, and will diligently

search after such things as you shall think proper, on examination of that, and the short hint I have given. Enclosed are copies of the answers sent Lord Hillsborough to his letters No. 12, 14, 15, 16, thereby to acquaint you with the correspondence on the part of the Colony.

I expect some of your favors soon, and you may depend on my frequent communicating the needful occurrences from hence. I am, with sincere respect and esteem, sir, your most obedient, humble servant,

JONTH TRUMBULL.

P. S. You have Governor Fitch's manuscript, which will point you to the matter of the Earl of Warwick's, &c. grants. I shall inquire after the grant to the Duke of York, — Pennsylvania, Massachusetts Bay, Rhode Island, &c., — at those several governments, and write you again relative to what is needed from that side the water.

Vale.

Indorsed, "W. S. Johnson, Esq. Copy."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, December 5th, 1769. .

SIR, — I see in the papers, which arrived by the last ships from America a few days ago, an account of the death of Governor Pitkin; and, as I fear there is no room to doubt the authenticity of this intelligence, I take the earliest opportunity to condole with you and the Colony on the loss of so worthy a magistrate; to whose memory it is the least tribute we can pay to lament him as an honest man, a good citizen, a sincere Christian, an upright ruler, the zealous, hearty friend of his country, who ardently wished, and assiduously endeavored to promote, its

welfare and happiness upon all occasions. And, as this event devolves upon you the immediate care of the affairs of the Colony, give me leave to congratulate you upon the honor which attends so elevated a station, and to wish you most heartily all the success and happiness that can accompany the most able and acceptable discharge of so important a trust.

Parliament having been postponed beyond its usual time of meeting, neither American affairs nor any other political matters can, you are sensible, have come to any decisive crisis. The King's Ministers, amongst the variety of schemes which have been proposed relative to that country, seem of late to have resumed and adhered to their first design of repealing the late revenue acts, so far only as they were anti-commercial, and to try the effect that would have before they proceeded farther. The apprehension of endangering the supremacy of Parliament, of which they have formed the most exalted ideas, seems to have absorbed all other considerations. They affect to imagine, that, by giving way in any measure to the claims of the Colonies, they should hazard the loss of all their hold of them; that one indulgence would require another, and one relaxation induce still farther concessions, until the Colonies would become totally independent of this country. On this idea they determined to retain such parts of the late revenue acts as were necessary to mark the subordination of the Colonies, and to rescind only so much of them as appeared to be evidently contradictory to the immediate interests of this country. The Americans, said they, claim too much; we can therefore grant them nothing upon the ground of those claims, but we will remove every impediment to the commerce of Britain, by which means we shall acquire the affections of this country, and engage their support in establishing the subordination of the Colonies. Two circumstances have, more especially, encouraged them to

adhere to these ideas. The one is, that the Opposition have of late rather lost ground. Their efforts have, in several late instances, been unsuccessful, and of consequence the Administration found themselves strengthened, and more at liberty, and more able, to pursue their own system of inflexibility. The other and more important consideration is this: that they found the American resolutions of non-importation of goods had hitherto made little or no impression upon the manufacturing and commercial part of the kingdom. That they have not is, unfortunately, fact. This we imputed at first to the failures of the Americans themselves in adhering to those agreements; but, upon a more minute examination of the subject, it appears that, though those breaches of the agreements have contributed their share, yet a surprising and unexpected coincidence of commercial causes has more especially prevented those resolutions from having the effects that were expected from them. The northern war between the Turks and Russians has occasioned a vast demand for British manufactures in that quarter. The East India Company have exported prodigious quantities to supply an extraordinary demand in that part of the world. New sources of trade have arisen in Germany, and avenues for exportation have been opened into France itself, while at home all the supernumerary hands in the kingdom have, during the summer past, found full employment in the vast works which are carrying on in divers parts of the kingdom, to extend and enlarge its inland navigation by cutting amazing canals, and, with immense labor, opening convenient communications between the principal trading towns. These, and some other lesser causes, have for the present prevented their feeling the decrease of the American trade; insomuch that the manufacturers, upon application to them upon the subject of petitioning, have declared that they have no cause to complain, but, in fact, have hitherto had

greater demands for goods than it was possible for them to supply. Most of these causes are indeed temporary, but for the present the Ministers have found themselves under no necessity to depart from their plans, or vary their measures, by any apprehensions from the manufacturers or merchants. In this situation of things a new scene, all of a sudden, opened to us, by which the whole face of affairs may perhaps very soon be changed.

France seems to threaten us with a war, and all attention has, this fortnight past, been turned to that important object. The danger that the northern war would spread, and by degrees involve all Europe in flames, has indeed long been foreseen and feared; and all the powers upon the Continent have been accordingly preparing themselves in the best manner they could to obviate or meet so unfortunate an event. But Britain of all other nations held itself most detached from this war, and seemed least in danger of being drawn in. The insolence of France was, therefore, equally unforeseen and unexpected. Her immediate pretences are, a late dispute in the Downs between an English and French frigate about the honors of the flag, and a controversy which happened here last summer between the French and Russian Ambassadors about precedence, in which France affects to imagine that we did not enough espouse the cause of her Ambassador. But these are ostensible reasons only; the true idea seems rather to be this, that the haughty, ambitious Minister of France (who is a perfect phenomenon in the political world), intoxicated with his good fortune in the acquisition of Corsica, with the influence *that* has given him with his prince, and with the success he has had in humbling all ranks of men in that kingdom, seeing Britain oppressed with the heavy load of her national debt, torn to pieces with internal dissensions, and at variance with her Colonies, thinks it a favorable moment to attack the nation he most heartily hates, under these disadvantages,

in hopes that she can make but a feeble resistance, and that he may gratify both his pride and resentment, and obtain some revenge for their losses in the last war. He has, therefore, by the suppression of several of the religious orders, it is said, brought six millions into the King's coffers, and now behaves so insolently that there is hardly any bearing with him. The Spaniards, too, have been very saucy. We are therefore arming as all the other powers of Europe have done before us. A strong squadron of men-of-war is fitting out, and we are preparing to meet the threatening storm. Every endeavor will certainly be used to prevent a rupture, for which we are very illy prepared; and as *they* are in fact no less so, it seems most probable that, if our Ministers hold a firm tone, and are sufficiently steady and prepared, France will recede; but should we be driven into a war, it is extremely probable that it will soon change the state of our political affairs. Some means must be found out to reconcile the interior dissensions of this country, as well as the disputes with America. It is not imagined that the present Ministry can raise money for a war, and consequently that others must be taken in, who have a better interest with the people, and especially with the moneyed men. In a word, an entire new system must probably be adopted. But this is deducing consequences before we are sure of the facts from which they must result. All the arts of negotiation must first be tried, and are now most busily employed; nor will anything farther than the preparations I have mentioned be resolved upon before Parliament meets, which is now fixed for the 9th of January.

Pursuant to the directions I received from his Honor the Governor, I presented Lord Hillsborough the thanks of the Colony for his favorable declarations relative to the Mohegan Case, and the late petition of the Indians. He received the compliment favorably, and I had, at the same

time, a long conference with him upon the affairs of America in general as well as those of our Colony in particular. I cannot say that his general ideas are much altered, but, upon the whole, he expressed himself with much candor towards the Colony of Connecticut, and the conversation ended favorably enough, considering the present state of affairs.

You will see that some of the bills of exchange remitted to Mr. Jackson have been protested, and will receive from him an account of the moneys in his hands. By this failure, as well as from the increasing expenses in the Mohegan Case, it will be apparent that farther sums will be wanted, and, I doubt not, due care will be taken to furnish him with what is necessary. We expect very soon to have a trial of the cause, and must immediately advance two or three hundred pounds to our counsel. I am, with the greatest esteem and respect,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

December 6th.

P. S. I have several times been attacked upon a complaint preferred to some considerable persons here against a late law of the Colony imposing a duty of five per cent upon all British goods imported into the Colony, which has been exacted of a captain of a ship, or some merchant who makes this complaint. The act itself, I find, gives great umbrage, and those who wish us no good mean to avail themselves of it in the course of next session of Parliament. It is, I am told, in the hands of Sir Francis Barnard. I shall apply to him for it, and, if possible, get a sight of it. You may rely upon it, that I shall do everything in my power to prevent any inconveniences from this petulant charge. But I could have wished to have known the terms of the act (if such an one there be), the reasons upon which it was grounded, and all the cir-

cumstances of this particular case, as well as the true state of the affair at New London (which is also strongly objected to us), that I might be prepared to give the most effectual answers to these accusations. For the present, I must put the defence, as I have indeed already done, upon such general grounds as, I trust, will be sufficient; and you will be so good as to give such information of particulars as you think may be useful to

Your Honor's most obedient, humble servant,

WM SAM^{LL} JOHNSON.

It is said that large quantities of British goods have been shipped to Surinam, St. Eustatia, and other foreign as well as British ports in the West Indies, with intent to be clandestinely introduced into the continental Colonies as opportunity offers. How surprising are the efforts of the commercial spirit of the country!

Indorsed, "Received March 2d, 1770."

JONATHAN TRUMBULL TO WILLIAM SAMUEL JOHNSON.

Wm. S. Johnson, Esq.

HARTFORD, 12th December, 1769.

SIR,—Since the foregoing,¹ I have received none of your favors, nor any answer to mine of the 14th July ult. I think I have good authority to give you the following information,—that in a letter, dated last summer, from Mr. Moses Park to Mr. Edward Mott, he desires his friend Mr. Mott, as soon as a certain action is decided in the County Court at Norwich, if determined against Mr. Park's interest, to give him immediate intelligence

¹ [was written, &c.] This letter, or the copy from which we print, immediately follows, on the same sheet, the letter printed on pages 380-382. — Eds.

of it, to be improved in the cause of the Mohegan Indians, to show that any person endeavoring to obtain justice for those Indians cannot expect justice for himself in the courts of this Colony. The case is, that, at the time the city of Havana on Cuba was besieged by the English forces, many of the enemy's negroes were taken, and brought into the English camp, there kept, and improved by the officers. Captain Robert Durkee had one, Lieutenant Jedidiah Hyde one, Lieutenant Park one or more, and others had to a considerable number; that one Chadwick, master of a vessel returning to New London from thence, with the assistance of Mr. Moses Park, then a lieutenant in that service, clandestinely took on board and eloigned six of those negroes: among them were the two who had been in the care of Captain Durkee and Lieutenant Hyde, and taken without their knowledge. On Chadwick's arrival at New London, he sent three of them to Mr. Park's family, at Preston; the other three he kept and disposed for his own use and benefit. In camp the general issued orders that all such negroes should be brought together and delivered up. Whoever failed of their duty therein, to forfeit for each negro concealed or kept back 2250 dollars. It was soon suspected that Captain Chadwick had brought off the six which were missing. Advertisement sent after him, with reward offered for detecting him, &c. When he dare stay no longer at Middletown, he went to Carolina, from thence to the West Indies, where he died. Captain Durkee, after his return, found the negro taken from his custody, in the hands of a master, to whom Chadwick had sold him, in Middletown. Captain Durkee brought his action against the master, and recovered the negro. Lieutenant Hyde found at Preston the negro taken from him, and brought his action against Mr. Mott, who had him of Park, obtained a verdict in his favor last November term, at

Norwich. In the trial Lieutenant Hyde produced two intercepted letters from Mr. Park to some of his friends, wherein some things are acknowledged disadvantageous to this cause. These were denied to be Mr. Park's handwriting : to show by parity of hands they were not, the first-mentioned letter was produced, and viewed by both court and jury. Whether they thought to intimidate the court, and if that did not succeed, then to be made use of to dishonor the Colony, I shall leave others to judge.

Will such artifices have any influence against this just and loyal Colony ? To prevent such injurious design, I thought fit to give you this long account of the case.

If the motion for a Bishop in the American Colonies is pushed, I trust you will use your influence to prevent his having authority to exercise spiritual jurisdiction over such who are not professors of the Church of England, and secular powers of any nature or kind whatever.

I have desired Mr. Jackson to favor me with his opinion relative to the Governor and Company's title to and granting of the land westward of New York, and extending our jurisdiction thither. Desire you to consult him, and others you think fit, on the subject, and send me their and your own opinion thereon, timely enough for the sessions of our Assembly in May next, when it will be brought under consideration.

Mr. Davenport, the very venerable minister of the gospel at New Haven, exhibited a memorial to the Assembly of that old Colony, praying that a college be erected in that place, money raised for the purpose, and for encouragement inserts a paragraph of a letter from his good friend, Mr. Edward Hopkins, dated in London in the year 1654, wherein he desires Mr. Davenport to promote the design of erecting a college for education of youth for the ministry among them, and offers to give his lands in New England for its support, with a handsome sum of money besides. This appears on the old

records of the New Haven Colony, for the year 1655, and Colonel Davenport of Stamford, who has his good ancestor's papers in his hands, promised me to look and see if he could find the original letter. The Assembly send to the towns in the Colony for each to give towards it what should be in their ability. New Haven granted £400, Milford, £100. Branford and Guildford returned they would consider it. Mr. Hopkins's and Colonel Fenwick's donations, in and by their last wills and testaments, were undoubtedly designed for the College at New Haven.¹ The £500 given by Mr. Hopkins was neglected from the time of his death until 1710. One of his descendants mentioned it to Mr. Banister, — inquired after a college in New England. He told him of that at Cambridge, and on notice to the corporation there, they applied and had a judgment in Chancery to receive it. Colonel Fenwick, who died two days after Mr. Hopkins, in his last will gave the like sum to the public in New England, to be applied by his good friend, Mr. Hopkins: Sergeant Maynard gave his opinion, that, it being for a charitable use, it ought to be paid; but no application hath been made for that.

Will length of time extinguish the right, when it can be made evident? I think all these donations do evidently belong to the College at New Haven. Pray my compliments to General Lyman and Mr. Wyllys when you see them. I am, with great truth and esteem, sir, your most obedient humble servant.

JONTH TRUMBULL.

¹ See Mr. Hopkins's last will, *ante*, pp. 17-22. — Eds.

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, January 2d, 1770.

SIR, — The affair I mentioned to you relating to the law of the Colony imposing a duty upon all goods imported by persons not inhabitants of the Colony, soon became very serious. The complaint was preferred to Lord Hillsborough, and by him laid before the Lords of Trade, &c., where it is still depending. I attended him as soon as I had any intimations of his being possessed of it, and explained to him the reasons upon which I presumed it was founded. He was much displeased at the act, insisting that it was of the same nature with the acts of Parliament which we complain of, as imposing duties which amount to a tax; and that it was very surprising a Colony Assembly should presume to impose duties upon goods imported at a time when they were contending that Parliament could not do it. At least, he said, we should have had the modesty to have excepted goods imported directly from England, and by Britons; otherwise, in the American idea of taxation, it was in effect a tax imposed upon the whole empire, by authority of a Provincial Assembly; and, at any rate, such a regulation of trade as our authority could not extend to. That the Parliament of Ireland never presumed to impose a duty upon imports from Britain, &c. I urged that the intention was only to confine the trade, as far as possible, to the inhabitants of the Colony who supported its establishments; to prevent an inundation of goods from the neighboring governments, by persons who contributed nothing to the support of government, but by a quick, captivating, fallacious trade collected all the little cash the people were possessed of, and retired before any ordinary rules of taxation could reach them, to the great det-

riment of the honest settled trader ; and in this light that it was a beneficial, reasonable regulation, well within the powers of the Assembly, &c. Still he insisted that we should have excepted importation directly from Britain ; and, notwithstanding any apologies I could make, declared he could not be excused from laying the matter before the Board of Trade and the other servants of the Crown. This dispute also occasioned a fresh discussion of several other laws of the Colony, and even of its constitution, which I defended in the best manner I could. With regard to the other laws, I hope, he was pretty well satisfied ; but this he could not by any means be induced to put up with, but finally insisted, as I have said, that it must be laid before government. What length it will be carried, I cannot pretend to say. The intimations given out by some inferior officers of government are, that it must be declared null and void by the King in Council, or the Colony be enjoined by a decree of the Lords of Council to repeal it ; or, finally, that it be made a ground of an act of Parliament obliging the Colony in future to send home all their acts for the royal approbation or disallowance. I need not say how very disagreeable either of these courses would be, or what inconveniences they might involve us in, and shall prevent them if possible. It is rather unfortunate that this dispute happens just at this juncture, to irritate the minds of Administration, at the moment our cause is coming to a decision ; however, we must make the best of it.

At a meeting of the Lords of the Council the 22d ult., a motion was made that their Lordships would assign a day for hearing a motion we proposed to make for dismissal of the appeal in the Mohegan Case, upon the extraordinary nature of it, and for want of due prosecution. Mr. York (counsel against us) strongly opposed this, insisting that we were not entitled to such motion separate from the merits, but that the whole must be heard

together. After some debate we prevailed, and the Lords appointed the first day of their next sittings for hearing this motion, which the Lord President assured us should be, at farthest, before the expiration of this month. After much deliberation, we thought it advisable to take this ground, and make it a separate previous point, because, should we succeed, it puts an effectual end to the cause, and will save us some expense ; if we do not succeed, we shall still have the merits of the cause open to us, and shall probably litigate it with better advantage by this previous trial of our adversaries' strength, as well as from what we may be able to collect of the sentiments of the Lords upon this opening, especially as it is intended to select and insist upon such parts of the merits as tend immediately to show the hardship of the case, and the extraordinary nature of the proceedings. Nothing, I assure you, will be omitted, to make the most of this and every other part of the case. How it will issue nobody can pretend to say ; but should it even turn out unfortunately, it will be no inconsiderable consolation that we have fought every inch of ground, and done everything in our power to defend ourselves against this unreasonable demand.

It is not worth while to trouble you with anything relative to the general state of political affairs before the meeting of Parliament, which is now very near, and will probably open some new scenes. I must however inform you, that, though Ministry have hitherto adhered to their idea of repealing only a part of the late revenue act, and though we do not yet seem likely to have much aid from the merchants or manufacturers, to enable us to push it much farther, yet there is a tolerable prospect of our receiving some assistance from a quarter whence we did not expect it. The East India Company, it is probable, will petition for a repeal of the duty upon tea, the only article which Ministry themselves much wish to

retain. They have, in fact, reason to complain. At the time of their late stipulation with government to give them £400,000 per annum, this article of tea was also in contemplation, and when the old duty upon exportation was taken off, the company were also induced to agree to indemnify government to the amount of its net produce, in expectation that, tea becoming so much cheaper in the Colonies, the consumption would not only be greatly increased, but all smuggling totally prevented. They hoped, therefore, by the increased sales, to be reimbursed, not only the amount of the old duty, which as a sum in gross they had agreed to pay to government, but also to make a considerable additional profit to the Company. The late duty that we complain of as an affair of revenue, (though less than the former duty,) and the consequent dispute, have defeated their expectations. They therefore find themselves holden to pay a large certain sum to government, without any prospect of being reimbursed in the manner they expected, and that was by Administration held out to their view as the ground of the agreement. In fact, the consideration of the stipulation has ceased, or rather appears never to have existed, or at least to be totally inadequate; and they think, with reason, that they ought to be released from it. This matter is, however, only in its embryo, and it is not certain anything can be made of it; but pains will be taken to cultivate it, and it may perhaps produce good fruit.

I acquainted you some time ago that we had very sanguine expectations of a war with France and Spain. Those apprehensions have subsided for the present. Our Ministers, to do them justice, have behaved upon this occasion with becoming spirit, and though we are not yet let into the particulars of the transaction, it seems pretty evident that they have by their firmness and fortitude repressed the insolence of France, and shown them that they were, notwithstanding all their embarrassments, nei-

ther to be frightened nor bullied. Indeed, that spirit of intrepidity and obstinacy, which renders them so disagreeable to the free people of England, is perhaps the best qualification they could possess in treating with foreigners, and especially with the haughty Court of France and the insolent Minister of that country. By whatever means it has been effected, the fact is their Ambassador is arrived in England, has quietly resumed his office, and everything for the present wears the face of friendship and good humor. That it is, however, perfectly hollow and deceitful, nobody doubts.

Having so lately mentioned to you that we should speedily want more money, I would not so soon repeat it, did I not see our expenses every day increasing, in such a manner as to render it very necessary to ask farther remittances to prevent our running behindhand, which for the honor of the Colony, as well as the advantage of the cause, I am solicitous to avoid. Not to mention my own expenses, which you see by the accounts transmitted are very considerable (and I cannot with any decency reduce them), every consultation with our counsel costs us twenty guineas, though but for an hour; they cannot have less than twenty-five guineas with their briefs (I fear more), besides forty guineas per diem while they attend at the Cockpit. Our Case, which you know is uncommonly long, must be printed,¹ besides solicitor's fees, and a variety of other charges, almost endless to enumerate. Such is the enormous expense of causes of consequence before the Council; much beyond that of any other courts even here, and truly amazing to American moderation. I am, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

¹ The volume known as "The Mohegan Case," printed at this time, is already referred to in a note on page 222. That was printed by Mason, and includes the Case as presented in 1743. The formal Case for the Colony as printed by Johnson, here referred to, we have never seen. — Eds.

January 3d.

Since the above, I have seen Lord Hillsborough again, who insists that the late law must be laid before the King in Council, for their determination thereon. All I can obtain is, that I shall be notified when it comes on, and admitted to appear before them to justify the act, &c. I will do so, and make the best defence I can.

Your most obedient servant,

W. S. J.

Indorsed, "Received from Hartford Post-Office, May 1st, 1770."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, January 10th, 1770.

SIR, — I have a few moments' time, by an unexpected delay of the packet, to enclose you the King's speech, and to acquaint you that there were last night very warm debates upon the address, in answer to it, in both Houses of Parliament. The Duke of Ancaster moved the address in the House of Lords, which was seconded by Lord Dunmore, Governor of New York. The Earl of Chatham (who, after three years' absence from Parliament, has again appeared in opposition) immediately moved an amendment, the substance of which was to *assure his Majesty that they would inquire into the causes of the uneasiness and complaints of the people, particularly relative to the Middlesex election.* This was the ground of the debate, in which all the principal speakers amongst the Lords were engaged on one side or the other. But I should lose this conveyance should I attempt to give you even the most concise idea of it; nor is it so very material, as it turned chiefly upon the Middlesex affair. America was but inci-

dentally mentioned. Lord Chatham said, in substance, with regard to it: "The chapter of America is too long to go into at present; it is, however, a great and important subject. *I have not altered my general ideas with regard to the principles upon which America should be governed. I own I have a propensity towards that country. I love liberty wherever it is seated. That country was settled upon ideas of liberty, and, to use the allusion of Scripture, the vine has taken deep root and spread through the land. May it long flourish; but I am the friend, not the flatterer, of America. I own they have done wrong in many things, yet I wish you would not use so harsh an expression with regard to their proceedings as to call them (which is the language of the address) unwarrantable combinations. Let us inquire coolly and candidly into the nature of them, before we censure them so severely. Call them dangerous if you will, but strike out the other word; it implies a great deal. Two millions of subjects should be treated more candidly.*" In another part of his speech, speaking of the dangerous attack made upon the constitution in the Middlesex Case, which he called laying the axe to the root of the tree: "Let us save this noble, this amiable constitution, thus dangerously invaded at home. Let us extend the benefits of it to the remotest corners of the empire. *Let slavery exist nowhere amongst us. It is of so dangerous, so cankerous a nature, if it is established in any part of the dominions, it will spread through the whole. America enslaved may help to enslave you,*" &c. To the surprise of everybody, the Lord Chancellor in the Lords, and the Marquis of Granby in the Commons, deserted Administration and joined the Opposition upon the point of the Middlesex election. The Lord Chancellor said, as to America, *he in general agreed with his noble friend, Lord Chatham. He was the friend of America, and wished to recover its obedience by lenient measures,* but he could not enter into the subject at present. The Duke of Richmond, Lord Shelburne, &c., also spoke

several kind things in our favor. The other side said some pretty severe things, but preserved tolerable temper towards the Colonies. After all, upon the division, 100 were against the amendment to 36 for it. It seems to be intended to declare the agreements not to import goods *unlawful combinations*; but it is not fit to determine, with any precision, what is intended, or what course things will take upon this first opening.

The debate was, if possible, still more animated in the House of Commons (where a like amendment to their address was also moved), and did not end till this morning at one o'clock. There, too, America was but incidentally touched. The Middlesex controversy seems almost to swallow up all other matters. However, Barre and Burke both lashed and ridiculed the conduct of Administration towards the Colonies with great spirit and humor, and the latter made himself and the House very merry with Lord Botetourt's speeches and proceedings with the Virginia Assembly, and their resolves. The division in the House of Commons was 244 to 136.

Such is the strength of Administration! It is a doubt whether the Lord Chancellor will not be obliged to resign the seals in consequence of this desertion. It must be owned, in justice to the Duke of Grafton, that he defended himself both against Lord Chancellor and Lord Chatham with very great ability and eloquence. He shows himself to have both talents and application; his firmness nobody doubts, and farther experience will make him a very able Minister, if, indeed, he is not so already. He was well seconded by Lord Mansfield, whose speech was a master-piece of art and address, and showed his amazing abilities in a most striking point of light. But I can no more. The mail closes this instant, and I am, with perfect respect and esteem,

Your Honor's most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

Ireland is in great confusion. I cannot now state the occasion of it. I trust you will see it in the papers. It is a question of prerogative.

Indorsed, "Received from Hartford Post-Office, May 1st, 1770."

JONATHAN TRUMBULL TO WILLIAM SAMUEL JOHNSON.

To Wm. Samuel Johnson, Esq.

LEBANON, January 29th, 1770.

SIR, — I have the pleasure to acknowledge the receipt of your favor to Governor Pitkin of September 18th, which came to my hand 27th of December, and mentions one you wrote to him, the latter end of July, not received.

This shows us the fluctuating, distracted condition the nation is in; the difficulties and embarrassments men always bring on themselves whenever they forsake the old path of justice and equity and attempt to establish despotism; the danger of embarking deeply with any party while both are desirous to render the Colonies effectually useful and subordinate to that country, that they may reap the fruits of all our labors, and conduct all our affairs solely with a view to their own emolument. Mutual interests alone can bind the Colonies to the mother country. When those interests are separated, each side must assuredly pursue their own; and that side can use but one fair, honest, and effectual way to prevent detriment from this, — which is to maintain our mutual connection in interest, to encourage our raising such growth, and making such manufactures, as will not prejudice their own in any degree equal to the advantage they bring. When any such commodities are raised or made, they ought to be taken off our hands, or the best markets pointed

out to us, and the people ought not to be forced to find out other markets by stealth; nor the trade loaded with duties and encumbered with officers to seek out our vital blood, with no other benefit to the mother country or to this than that of taking off some of their dependent, wretched sycophants and their detestable tools. This country has long been accustomed to industry and frugality, and when they see others reap the largest fruits of their labors to uphold domination over them, and live away in luxury among them, it is an insupportable burden. The old path is the safest, and change cannot be made without the utmost danger. The people of all the Colonies, excepting officers and their dependents, so far as I can find, are firmly united for the maintenance and support of their rights and privileges, — unwilling to be taxed internally or commercially by any legislative but their own, or to have any Commissioners of the Customs to lord it over them, or drain off their earnings.

I have now the satisfaction of your very useful and interesting favor to myself of October 16th. On the first part, relative to the Mohegan controversy, I know nothing at present, from this side, to be added on that subject, only that I have been told that some of the Indians begin to think themselves mistaken, and endangered by embarking so far with Mr. Mason in the pursuit of that controversy, and to be sensible of the justice and humanity of the Colony towards them. The close connections the Mohegan Indians have with the Five Nations, and through them with the far tribes throughout the continent, is a far-fetched stretch of imagination, altogether, as you say, groundless and ridiculous. Any disinterested American on that side of the water, acquainted with them, their situation and connections, knows it to be so. You have General Lyman and Mr. Wyllys there, who, I dare say, must know the falsehood of such suggestion. I very much question whether there is any one of the

Mohegans known to a single Indian belonging to the Five Nations, or any, the lowest kind of connection subsisting between them. However, I trust the justice and equity of the cause of our side will appear, and defend against the injurious designs formed against us; nor are the advantages that can accrue to undertakers for them an object worthy their attention.

There have no new applications been made here relative to writs of assistance; and, I believe, all the courts of the other Colonies are united with us, save only of the Massachusetts Bay and New Hampshire, the reason of whose conduct is well known. The friends of Sir F—— B——d are using every artifice to bring about a disunion at Boston, and insinuate that the Southern Colonies differ greatly from the Northern; *that they will ere long renounce all connections with them.* This event they wish, rather than can think probable. The resolutions of the Virginia Commons' House of Assembly were communicated from the Speaker, as well to ours as to the other Assemblies, and return was sent to them from hence in full concurrence. I cannot learn from any quarter that the union, fortitude, and steady firmness of any of the Colonies are in any measure relaxed or abated. Unwearied endeavors are used by the Opposition to break all union and confidence in each Colony, as well as to disunite the Southern from the Northern, which, I believe, will be beyond their power to accomplish.

What you have kindly communicated in your postscript serves to explain to us the conduct of Sir F—— B——d's friends at Boston. The Assembly is, by order from his Majesty, prorogued until March. Sundry merchants, who had agreed with their brethren to the non-importation of goods, — viz. the sons of Lt. Gov. H——, Ben Green and sons, &c., — have broke off from the agreement, and use measures to induce others to do the like; and many shopkeepers, whose daily bread depends

on that business, unable to stand the shock, would willingly depart therefrom. This occasions a hard struggle among them. Threats are given out to use the troops there, and the commanding officer hath ordered his men to equip themselves with twelve rounds for an attack; while the people stand their ground firmly, and it is to be hoped the struggle will end without success to Sir F——B——d's friends. The principal people in Boston, and the landholders and most substantial people in the neighborhood and through the country, stand firm to the agreement, and manufactures appear to increase and flourish. Such as these are the marks of union.

If Parliament is dissolved, will it be necessary for the Colonies to form new addresses to the King for redress of grievances? In what manner can it be done? This and Rhode Island Colony can meet; but most probably the others, under the King's Governors, will not have opportunity. It is hard to break connections with our mother country; but when she strives to enslave us, and turn all our labors barely to her own emoluments, without considering us as her own sons and free-born fellow subjects, the strictest union must be dissolved. This is our consolation, that the All-wise Director of all events will bring to pass his own good purposes,—establish his own designs and works,—to whom we may look for direction, in this our critical situation.

I have enclosed, for your own private use, sundry things. First, one of our old Colony books, a copy of the old patent for Connecticut from the Earl of Warwick, said to be Governor or President of the Council of Plymouth, to Lord Say, &c., March 19th, 1631. Salmon says, that the same, which he afterwards granted as aforesaid, was confirmed by King Charles to the Earl of Warwick in the year 1630. Mr. George Fenwick sold the same to this Colony, agreement dated 5th December, 1644. It is wanted to be known here how these things

stand. Second, is a letter sent from the Colony of Connecticut to Lord Say, &c., by Governor Winthrop, at the time he went agent from this Colony to obtain our charter. Third, is the petition of the General Court at Hartford to King Charles the Second for a charter of incorporation [*illeg.*] on which thereby a charter or patent to this Colony was obtained. These will serve to show you some of the ancient proceedings relative to the title of the Colony to the lands therein contained. Fourth, the agreements relative to New York, and the line settled between his Royal Highness's patent and that to Connecticut. It is requested of you to get authentic copies of the Duke of York's grants, and likewise those to Pennsylvania, that we may have them to use on occasion of any future claims or de[mands] that may arise. For your further information I have enclosed a memorial presented by Sir Henry Ashurst relating to appeals from the Colony of Connecticut to his Majesty in Council; and also copy of an act for reuniting to the Crown the government of several Colonies and Plantations in America, wherein the provisos are [to] be remarked. Against passing this bill, Sir Henry Ashurst petitioned the Lords, and was heard. What became of it is not known here at this time.

I have special direction to write to you to prove the authentic copies of the Duke of York's and Mr. Penn's patents. The rest of my letter, and the enclosed copies, you will use with the caution and circumspection due to any other friendly correspondent.

I wish to know, if it may be with safety, who are the special friends and directors of Mr. Mason in the Mohegan cause. Surely they must be deceived in their expectations to gain any great emolument to themselves thereby. I am, with full confidence and perfect truth and esteem.¹

¹ The above is printed from a rough draft, in some parts illegible, of Governor Trumbull's letter to Mr. Johnson. — Eds.

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, February 3d, 1770.

SIR, — The motion for dismissal of the Mohegan cause was heard a few days ago, and decided against us. The Lords were of opinion that they could not dismiss it upon motion, but have determined to hear it at large upon the merits, as soon as possible. At first, they thought the business of Parliament and the common law courts would prevent their sitting again before June; but upon our earnest entreaties they agreed to try it, if possible, the second week in April. The point was well argued, but we were very unfortunate in not having Sir Fletcher Norton at the board, on whose opinion we very much relied, and who was, a few days before, chosen Speaker of the House of Commons. The Master of the Rolls took it up very strongly against us, upon very narrow principles of mode and form, to which he is much attached, neglecting the large ideas of right and policy upon which we founded our motion. Some of the Lords, indeed, thought that the late and former war, during which they had declined determining American titles, excused the delay which had happened on the part of the appellants. Nothing fell from any of them from whence we could collect their opinions upon the merits; but it is apparent from the event of this motion that we can expect no degree of favor. We have nothing to rely upon but the justice of the cause, and I wish that may have fair play. If it has, I am persuaded it will be decided in our favor; if not, there is no judging of consequences.

American affairs have not yet been taken up in Parliament, but we expect they will be entered upon in a very few days. Lord North, who is now at the head of all affairs, tells us they intend to repeal only the duty upon the

three articles. Our assurances that this will signify nothing yet make no impression upon them. The merchants, after several meetings, have agreed to apply for the repeal of the whole act, and their petition will be presented immediately, though they do not seem to be very sanguine in their expectations of success. Though they and the manufacturers make some complaints, they are by no means clamorous; and the opponents of the repeal allege that they cannot have a more proper time to try whether Britain or America will hold out longest, and that it is best to let the matter be now determined in that way. It is said here, and I fear it is in part true, that large quantities of goods still go out, especially to New England, in one clandestine manner or another. They threaten us with some act or resolutions to render agreements not to import criminal; and it seems not unlikely that something of this kind will be attempted. Will this have any other effect than to make the people agree not to consume, which will be much more effectual than any agreement not to import? What seems most to influence against the repeal is the opinion many have formed, (founded, as they pretend, upon the extravagant demands of the people of Boston,) that America will not be satisfied with anything less than the repeal of all the acts of Parliament relating to the Colonies, even that of Navigation, and that therefore they had best make their stand where they now are, disannulling only those duties which are anti-commercial. I am not sure that the Opposition will take up our cause with spirit; at least, if they do, I fear it will be only so far as may serve the purposes of pure opposition, not upon the great principles upon which we stand, and if so, what they do will lose much of its weight. The East India Company will, I think, disappoint the hopes we had formed of them. They are divided into two bitter parties, and what one approves and pursues, the other, of course, almost disapproves, and as far as they can, defeats. One

party (and the strongest at present) say they will apply to Parliament only to be discharged of the stipulation so far as it affects them, and then let Government, if they please, lay a duty of 2/6 instead of 3*d*. in America, to reimburse themselves; that they have a sufficient vent for their black teas (the kind that alone goes to the Colonies) in Europe, and care not whether America takes any or not. They may leave off the use of it entirely, or get it, if they can, from Holland or France, as far as they are concerned. Such is the language of many, so that it seems as if we must stand pretty much upon our own ground; and in that case our prospect of success at present is not the most sanguine. It may, however, turn out better than I imagine. I can write only for the present moment. In this ferment, or rather paroxysm of politics, the symptoms vary almost every twenty-four hours.

I enclose you Governor Pownall's State of the Constitution of the Colonies, which, though you will not agree with him in every particular, you will think curious; and it is of use also to know the ideas of different gentlemen upon this various and complicated subject, upon which hardly any two men in this country think exactly alike. This paper is not published, but only handed out to particular friends. The last point, relative to the military, is of vast importance; but, I fear, will not bear to be pushed much at present.

Our 5 per cent act is not yet come before the Lords of the Council. Lord Hilsborough, in the last conversation I had with him upon the subject, was a little more moderate, and I wish I may be able to keep it where it is; but this I am not sure of.

The public papers will, I presume, have acquainted you with the various changes which have taken place amongst the great officers of government; but lest they should not, I will mention some of the principal ones. The seals were taken from Lord Camden, and, after be-

ing refused by the two Chief Justices, Lord Mansfield and Sir Eardly Wilmot, were given to Mr. Yorke, who died three days after; and they are now in commission with Baron Smythe, and the Judges Bathurst and Ashton, nor is there any appearance who will take them next. The Marquis of Granby resigned all his employments except his regiment, and is succeeded as General of the Ordinance by Mr. Conway; but his post of Commander-in-chief of the Army remains vacant. The Dukes of Manchester and Northumberland, the Earls of Huntington and Coventry, with several others in high offices about the court, also resigned, or were dismissed. These changes were all occasioned by the dispute about the Middlesex election. Sir Jno. Cust, on account of his ill health, resigned the chair, was replaced, as I have said, by Sir Fletcher Norton, now Speaker of the House of Commons, and died a few days afterwards; and, when all seemed to be settled again, of a sudden, to the astonishment of everybody, but to the great joy of very many, the Duke of Grafton (Prime Minister) also resigned. This, it was thought at first, would have upset the whole system; but Lord North has taken his place, retaining still his office of Chancellor of the Exchequer, and they seem determined to stand their ground, and pursue the same system. The conjectures upon the Duke of Grafton's resignation are innumerable. He says he found his constitution would not bear the fatigue he was obliged to undergo; but it is probable there was also some difference between him and the Duke of Bedford and his friends. He has since accepted the Privy Seal, and promises his support to his successor.

Thus surprising have been the fluctuations on the side of Government. On the other hand, the several great parties of Rockingham, Chatham, Grenville, Temple, Shelburne, &c. (however differing amongst themselves), are all firmly leagued in Opposition, and make a formida-

ble figure. These changes have greatly interrupted the proceedings of Parliament. All the time, almost, that they have had to spare from them, has been appropriated to the Middlesex election, which has been debated in both Houses with the most consummate ability and eloquence, and with all the vehemence, and even acrimony, of party. The first debate in the Commons continued from two o'clock in the afternoon till four in the morning, and the second till one; and in the Lords, from two in the afternoon till three in the morning. Hitherto, the Ministry have carried it in favor of the last year's decision by a majority, on the first division in the Commons, of 44, and on the second by 40, which are considered as small majorities for the House of Commons. The divisions in the House of Lords were, on the first debate, exclusive of proxies, 96 to 47, and on the second, including proxies, 106 to 49; but neither House has yet done with it, and they are so eagerly engaged on this subject that they can hardly attend to anything else. The great question is whether the House of Commons alone can declare incapacities, or whether expulsion includes incapacity. The minority contend that incapacities can be created only by act of Parliament, and that the House of Commons have violated the rights of all the electors of England, and sapped the foundations of the constitution; the other side insist (and it is hitherto so resolved) that expulsion includes incapacity, and that the Commons have kept within the bounds of their proper and necessary jurisdiction. The people are pretty quietly waiting their determination, and the K—g is perplexed enough.

Before I conclude, give me leave (lest my former letters should have miscarried) to repeat my requests for farther remittances of money, as well to carry on the cause as for my support. The government's money, Mr. Jackson tells me, is all, or very nearly, expended; and I know we must owe a large sum to our solicitor, &c., as

well as incur farther very large and inevitable expenses at the future hearing. We have credit, I make no doubt, and I can myself, perhaps, do well enough upon that ground; but it is neither an agreeable, nor, I apprehend, a prudent situation, to be carrying on so important a lawsuit upon credit only. It certainly cannot proceed with that spirit which proper supplies of cash afford to every undertaking, especially in this opulent, not to say mercenary country. It has the appearance of a disagreeable and unbecoming poverty, which will be in danger of placing us and our affairs in an unimportant, perhaps a despicable light. Pardon this liberty, which the necessity of my situation compels me to take, and permit me to assure you that I am, with the greatest truth and esteem,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

February 5th.

SIR, — I have now the honor of yours of the 8th of November, and beg leave to repeat my hearty condolence with you on the loss the Colony has sustained by the death of our late very worthy Governor, and to rejoice sincerely with you and the Colony in your elevation to the chief command, and the happy supply of the vacancies occasioned thereby, in consequence of which, I doubt not, the affairs of the government will be well and wisely administered. Nothing is of so much importance as that the principal departments of government should be filled by gentlemen of the first reputation for ability, wisdom, virtue, and integrity. On this the honor and interest of the Colony, and its security and happiness, (for which I am extremely solicitous,) do most essentially and absolutely depend.

I am much obliged to you for communicating to me the correspondence with Lord Hillsborough, which, so far

as I may presume to judge, has been prudently and properly conducted.

The inquiry you direct, after the several conveyances relative to the title of the Colony, shall be pushed with all diligence, but I fear will be fruitless farther than to the grant of the Plymouth Company. The others, I doubt, are not to be found in any public repository, and it must be extremely difficult to trace them if in private hands. However, due search shall be made, and, I hope, will be attended with success. The Duke of York's grant, and those to the other governments, may certainly be had here, if not obtained there. I have already mentioned to you all that seems material in the occurrences here, and have the honor to be,

Your most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

Indorsed, "Received April 20th, 1770."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonth. Trumbull, Esq.

WESTMINSTER, February 26th, 1770.

SIR, — I have the pleasure to acknowledge the receipt of your favor of the 13th of December, 1769, with duplicate of that of the 8th of November, and am exceedingly surprised that you should then have received no later letters from me than those of the 26th of April and 26th of May. They must certainly have miscarried, or been very uncommonly delayed, since I wrote Governor Pitkin several times in the course of July, August, and September, and in answer to yours of the 14th of July in October, all which should, in course, have come to hand by the time you wrote. I also did myself the honor to write to you the beginning of December, as soon as I heard of the

death of Governor Pitkin, and have since continued the correspondence on the 2d and 10th of January and 3d and 5th of February, which I hope will reach you in due time.

It is very extraordinary that Mr. Park should hope to make use of one wrong action as a means to support another. From your state of the case it appears very evident that justice has been done in the suit against Mr. Mott, and I myself remember to have been consulted by Captain Durkee, and to have concurred in advising the action he brought, and in which I have the pleasure to see he has recovered. Certainly they could have no pretence to hold the negroes, either against Captain Durkee or Captain Hyde, and may think themselves very well off that they escape only with returning them, or paying damages for the detention, as the transaction seems clearly to have been something more than a simple trespass. I hope their insinuations against the justice of the Colony will not have much effect; they certainly cannot, where we can have opportunity to confront them by a true state of facts; but the mischief is, that these insinuations are made in secret, and are often only discovered by the pernicious effects they have produced. It is extremely infamous to make use of such low, vile acts, which set all honor, truth, and honesty at defiance.

It is not intended, at present, to send any bishops into the American Colonies; had it been, I should certainly have acquainted you with it; and should it be done at all, you may be assured, it will be in such manner as in no degree to prejudice, nor, if possible, even give the least offence, to any denomination of Protestants. It has, indeed, been merely a religious, in no respect a political design. As I am myself of the Church of England, you will not doubt that I have had the fullest opportunity to be intimately acquainted with all the steps that have been ever taken in this affair, and you may rely upon it that it

never was, nor is, the intention, or even wish, of those who have been most sanguine in the matter, that American bishops should have any the least degree of secular power, of any nature or kind whatsoever, much less any manner of concern, or connection, with Christians of any other denomination; nor even any *power*, properly so called, over *the laity* of the Church of England. They wish him to have merely the spiritual powers which are incident to the episcopal character as such, which in the idea of that Church are only those of ordination and confirmation, of presiding over and governing the clergy of that Church; which can of course relate to those of that profession only who are its voluntary subjects, and can affect nobody else. More than this would be thought disadvantageous rather than beneficial; and would be opposed, I assure you, by no man with more zeal than myself, even as a Churchman. Nay, I have the best grounds to assure you, that more would not be accepted by those who really understand and wish well to the design, were it offered.

We are making search for the conveyances you directed to be inquired after, have found the grant to the Plymouth Company, and hope to discover the rest; but the other affair you mention, of Major Fenwick, is, I fear, too obscure, and of too long standing, to be made anything of. Though there is no express statute limitation of suits for legacies, yet the presumption of payment or discharge, arising from such a length of time, as effectually bars any demand of this nature as even any statute could do. However, I will see what can be discovered with regard to it.

The grants we are searching for, if discovered, will give some light in the Susquehanah affair, and may be necessary to give a complete opinion upon the subject; but, as thus advised, I have a very good opinion of the legal right of the Colony to those Western lands, notwithstanding

ing the settlement with New York, and know not how it could be avoided upon a fair trial at law. Those lands are plainly within the words of the charter, and that settlement ought not to preclude the title to the remainder.

The opinion, however, that in general prevails here, founded upon some decisions of the Lords of the Council, is, that all the ancient charters and patents in the Colonies, being vague in their descriptions, drawn by persons often unacquainted with the geography of the country, and interfering frequently with each other, must be limited by the actual occupation, or other efficient claim, evidenced by overt acts of the early settlers; and since this is their notion of the matter, it seems plain that such claim would not be very highly favored here, and will probably give much offence if made by the Colony. Whatever opinion, therefore, I have of the legal right, and though I wish extremely well to the Susquehanah Company, and have great reason to do so, yet in faithfulness to the Colony, as well as obedience to your commands, I must say that I think it by no means advisable for them to interfere at all in the affair, at this critical conjuncture. It appears to me that it can never be of any advantage to the Colony, as such, to extend their jurisdiction to that country, or to attempt settlements there; I fear the contrary. To do it now will certainly, as I have said, give umbrage here, and provoke resentments, which may be followed with very ill consequences. We are watched with a very jealous eye, and no occasion will be lost of increasing that jealousy. Such a constitution cannot but be envied, nor will any favorable pretences for subverting it be overlooked. In such a contest we should, I fear, not only have to combat the prejudices and power of this country, which are great enough, I assure you, but could expect no assistance from our sister Colonies, — unless from Rhode Island, which

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perhaps would be worse than none, as they, I believe, had rather see us reduced to their standard than continue in our present situation. At least, that we ought to be so, I have known to be the opinion of many gentlemen of weight, whom I have met with here from different parts of the Continent, as well as of very many of this country, otherwise perfectly good friends to the liberties of America, but who very mistakenly imagine it would be best that the constitutions of all the Colonies should be nearly similar, and all royal governments. What the opinions of those who are not our friends, in other respects, are, I need not say. At best, should such claim to that Western country not involve us in a contest with government, yet at least it will engage us in a disagreeable controversy with Mr. Penn, and other powerful individuals, which may be attended with more trouble and expense than can be compensated by any emolument the Colony can, as far as I see, ever hope to derive from the claim, even suppose it established; and with regard to the Susquehanah Company, for whose interests, as I have said, I am enough solicitous, it does not appear to me that a grant to them is at all necessary from the Colony, to enable them to defend against Mr. Penn. He must make out his own title, and recover in his own strength. They are in possession, and that possession is good against him, until he establishes a clear title, both under the Crown and from the Indians, which he can never do while it appears that the lands (i. e. the Crown title to them, and the right of pre-emption of the natives) were granted to the Colony of Connecticut in 1662, before the date of his patent. Since, therefore, such grant would be of no essential service to the Susquehanah Company, and may possibly, at this juncture, be very prejudicial to the Colony, in point of prudence I think it had better be omitted. Indeed, after the gen-

tlement of the Susquehanah Company have tried the matter at law (as I apprehend they intend to do), and shown the insufficiency of Penn's title, as prevented from taking effect by the prior right of the Colony, I should think it perfectly right to give them a release of the Colony title, when the controversy is over; but to do it now, while the dispute is on foot, will if not champertuous, at least seem to be taking some part in the controversy; and it will then, I fear, be thought here to be no longer the controversy of the Company, but of the Colony (it is indeed already spoken of in that light, and it has cost me no small pains to evince that it was not so), the resentment will be against the Colony alone, and they, we know, may feel consequences which the Company cannot. I do not, you see, at all call in question the right, of which, as I have said, I have a very good opinion, and in better times should not hesitate to advise the Colony to avow it. I doubt only the wisdom and prudence of setting up such claim at present, or of interfering in the dispute of the Susquehanah Company at this time, and under the present circumstances of affairs. It is very possible, too, that I am not possessed of all the facts and circumstances necessary to form a right judgment upon this delicate subject, and I may perhaps, be too cautious or too timid; but as you call upon me for my opinion, I think it my duty to express these doubts, which, however, are with all possible deference submitted to your better judgment, and to the wisdom of the General Assembly, by whom, you tell me, the matter is to be considered.

Since my last, Parliament, beside proceeding in the common routine of business, of supplies, ways and means, &c., have again debated the Middlesex election, with renewed vigor and vehemence. They have now resolved that the *decision of the House of Commons inca-*

pacitating John Wilks, Esq. was agreeable to the law of the land, and the known and established law and custom of Parliament. This was carried by a majority of seventy-eight, after a debate of twelve hours; and being so pointed a determination, I do not see how the affair can be again revived in Parliament, the Lords having also resolved that they have no right to examine into this or any other determination of the Commons relative to matters of election. It is expected the people will remonstrate; but if they do, it can have no immediate effect. The minority have also tried another popular question; viz. a motion for leave to bring in a bill to diminish the influence of the Crown in elections, by restraining all officers of the customs and excise from giving their votes in the choice of members of Parliament, which they lost, after a long debate, by a considerable majority. These events give equal strength to Ministry, and discouragement to the minority.

American affairs have been strangely postponed from one appointed day to another, and are now set down again for the 5th of March; but we have no farther grounds of hope than when I wrote last. Our act of Assembly is not yet come before the Council, nor ever shall if I can prevent it. Lord Halifax is appointed Lord Privy Seal, which is an accession of strength to Administration. There is nothing farther, I believe, worth mentioning to you at present, and I remain, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

P. S. The minority in the House of Commons have vigorously pushed an inquiry into the causes of the late prodigious arrears of the civil list; not that they are ignorant of them, (for I believe most of them have

had a share in the expenditure of the money,) but to have an opportunity to lash Administration upon a subject where no Administration can well speak out, and, if possible, to oblige them to disclose certain secrets of state not very honorable to those concerned in the management of public moneys. The Lords have also moved an inquiry into the state of the navy, and an increase of seamen, which gave Lord Chatham, and others, a fine field to canvass the ministerial conduct and proceedings in foreign affairs, as well as in various other respects; and I assure you he did not spare them. Indeed, he developed almost the whole system of policy, both in peace and war, from the beginning of the present century to the present time, and especially since his Majesty's accession; upon which latter period he was very particular, and disclosed many important secrets. Both these questions, however, were lost by considerable majorities. This is said to be the busiest session ever known, and that there have been more long days, as they call them, or labored debates pushed to divisions, already, in the short time Parliament has sat, than ever occurred in any former session, however long.

Your Honor's most obedient servant,

W. S. J.

The Assembly of Massachusetts Bay having furnished their Agent with no documents in support of their petition or complaint against Sir Francis Barnard, it will be dismissed, with censure.

Indorsed, "Received 5th May, 1770."

JONATHAN TRUMBULL TO WILLIAM SAMUEL JOHNSON.

William Samuel Johnson, Esq.

LEBANON, March 3d, 1770.

SIR, — *You will find the authenticity of the account you mention concerning Governor Pitkin's death from my letters, forwarded and I hope received by you before this time.* I have the satisfaction to acknowledge your favor of December 5th, to render you my best thanks for the intelligence it contains, for your assiduity in giving the earliest notice of the complaint preferred against a late law of the Colony, and for your care to prevent any inconveniences from this petulant charge. The first two lines and half inserted here. I have without loss of time procured and enclosed a printed copy of the only act I can think to be meant. The grounds of it are, that many persons not inhabitants of the Colony transported in small vessels into our harbor, rivers, and creeks, and others brought in by land, goods and merchandise to sell among the inhabitants of the Colony to the prejudice of our own merchants and shop-keepers, who pay taxes, you know, to the public in proportion to their gains and returns; when these people, who reside in the Colony but a short time, pay nothing, and thereby are enabled to unsell our own fair dealers; that many such interlopers are men of little or no integrity, who often impose on such as purchase of them.

It is therefore judged that £5 per cent is not more than equivalent to the tax paid by our own dealers, and the risk of imposition run by the purchasers, and the charge of collecting. You will see by the terms of the act, that British goods are not distinguished; indeed, North American and West India merchandise and wares are equally liable to the same duty. On the New London affair, not having in my hands the letter from the col-

lector of the customs on that occasion, can only say at present it made no great noise here. My son, going to Hartford, is directed to get and enclose a copy of it for your use. I fancy the whole will appear of no great consequence.

There was another transaction of the kind at New Haven, at the Commencement in September; an informer was taken up and carted about [the] streets with contempt and ridicule; the particular occasion and circumstances never came to my knowledge. I believe inferior to what hath been usual at other places, both in that country or in this. The Northern and Southern Colonies remain firmly united, notwithstanding the efforts used to bring to pass a disunion. The British goods you mention as shipped to foreign as well as British ports in the West Indies, clandestinely to be introduced into the Continental Colonies, are guarded against, and the non-importation agreement is more firmly established: this practice shows us that goods are on hand they want to send this way. The danger of war you mention is alarming. Our natural enemies are restless, and the Northern war is likely to light up the flames throughout Europe. Our great consolation is, "The Lord reigneth; let the earth rejoice, and the multitude of the isles be glad thereof." Are not the accomplishment of some notable prophecies at hand?

I am, with great truth and esteem, sir, your obedient humble servant,

J. TRUMBULL.

P. S. Enclosed from the New London Gazette an account of the meetings and doings of the merchants and traders of this Colony, at Middletown. This shows their spirit, and is attended with general approbation. This paper I write on is better than British gilt. It is the manufacture of our own Colony.

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, March 6, 1770.

SIR, — At length the American Revenue Act has been debated in the House of Commons. Lord North moved yesterday for leave to bring in a bill to repeal the duty upon three articles only, which he grounded upon the promise made by Administration, in their circular letter, to propose it to Parliament, and upon the anti-commercial nature of those duties. The conduct of America, he said, had been such as in his opinion to prevent their going farther, — by their refusing to be content with this, — by their entering into and continuing their combinations against the trade of this country, which he called insolent, unwarrantable, and illegal, and such as Parliament must not yield to, nor could without giving up all authority over the Colonies. He insisted that the preamble to the act and the duty on tea must be retained, as a mark of the supremacy of Parliament, and an efficient declaration of their right to govern the Colonies. He said it was also an *operative duty*, and fairly within our old distinction between internal and external taxes, the latter of which we had admitted they might impose. This was a port duty, not an internal tax. That our new distinction between taxes for raising a revenue and duties for regulation of trade, was too vague to be a line of conduct, and would never answer any practical purpose; that whatever duties were imposed, they might call them regulations of trade, while we should insist they were for the purpose of revenue, and the consequence would be they could impose none to which America would agree. He expatiated upon the infractions of the agreements by the people of Boston, and various

other circumstances there, (of which he appeared to have the most minute and circumstantial intelligence,) as tending to evince that those agreements would soon come to nothing; upon the impossibility of our manufacturing for the supply of any considerable part of our necessities, and their ability to check us if it should ever become necessary; and concluded that our necessities and want of union would open the trade, and, with the attention of government, secure the dependence of the Colonies. He admitted that New York and Pennsylvania had kept strictly to their agreements, but imagined they would soon give way, as they found them disregarded by others, &c., &c.

The Lord Mayor of London urged the repeal of the whole act, upon the ground of justice to the East India Company, and upon commercial principles; but found much fault with the claims and principles advanced in a pamphlet lately published by the Boston merchants. Governor Pownall pursued the same points in a very sensible speech, demonstrated the ruinous, alarming situation of the trade, from the course of exchange, the petition of the merchants, and many other circumstances; urged the ability of America to manufacture, the progress she had already made, the ill policy of pursuing such measures as tended to push her into them, and produce at the same time disaffection in the Colonies; went into many other collateral points relative to America, and concluded very warmly on the subject of the military.

General Mackey, lately returned from Boston, told a long, stupid story of his observations in that country, very little to the advantage of Boston, and much of it, I believe, very ill-founded. Mr. Grenville repeated his old opinions of American affairs, insisted upon the want of plan in the conduct of Administration, and, till there was some plan or other, said he would have no concern in the

business: if there was any honor to be acquired by what they were doing, he wished for none of it; if there was any blame to be incurred, he would bear no part of it; and refused to give his vote upon this occasion. He was seconded in his general notions by Mr. Wedderburn, and some others. Lord North was supported by several Ministerial speakers, who repeated and enforced his ideas. Lord Barrington, and some of his friends, expatiated (though not in very harsh terms) upon the ill conduct of the Colonies, and upon that ground opposed the repeal of any part of the act. General Conway, Sir William Merideth, and Colonel Barre spoke for the repeal of the whole, the two latter, especially, extremely well. Barre had some fine strokes. Upon the whole, it was not a very lively debate, and finally, about twelve o'clock, it was carried against the Amendment (which had been proposed by Mr. Pownall, to include the tea with the other articles), by 244 to 142; several, I believe, having followed the example of Mr. Grenville, and voted on neither side. The bill will therefore be brought in only for the repeal of the other duties, exclusive of the tea. Lord North, however, finally said a negotiation was on foot between the Treasury and the East India Company, which it was possible (though he would not say probable) might produce a repeal of that also; for though he would never submit to repeal it upon the ground of the American pretensions, or of their illegal combinations, yet he would not say he should oppose it upon the foot of a beneficial agreement for the revenue.

After all the tergiversations amongst the merchants, the trade has been this year reduced about seven hundred thousand pounds, as you see by the following account, nearly as it was stated last night from the Custom-House entries:—

Value of all Goods exported from England to the Colonies in North America, from Christmas, 1767, to do. 1769, distinguishing each Colony.

	1767 to 1768.	1768 to 1769.
Canada	110,000	174,000
Carolina	209,000	306,000
Florida	32,000	29,000
Georgia	56,000	58,000
Hudson's Bay . . .	5,000	4,000
New England . . .	419,000	207,000
New Foundland . .	46,000	64,000
New Providence . .	6,000	6,000
New York	482,000	74,000
Nova Scotia	19,000	19,000
Pennsylvania . . .	432,000	199,000
Virginia and Maryland	475,000	488,000

How forcible would the commercial argument have appeared, had all the Colonies abated in the proportion New York has done, who seem to have imported only the articles by the agreements!

Lord Chatham, speaking two or three nights ago upon another subject, took occasion to throw out some of his ideas relative to America, which I will repeat to you, I believe, pretty nearly in his own words:—

“The state of affairs in America is also matter of serious consideration. I hoped when I came into the affairs of Government, some plan would have been discovered and adopted for conciliating that country, and quieting the disputes we have with our fellow subjects there; but in this, as in all the rest, I have been disappointed and deceived.

“I have been thought to be, perhaps, too much the friend of America. I own I am a friend to that country. I love the Americans because they love liberty, and I love them for the noble efforts they made in the last war. But I must own I find fault with them in many things: I think they carry matters too far; they have been wrong in many respects. I think the idea of drawing

money from them by taxes was ill-judged. Trade is your object with them, and they should be encouraged; those millions who keep you, who are the industrious hive employed, should be encouraged. But (I wish every sensible American, both here and in that country, heard what I say) if they carry their notions of liberty too far, as I fear they do, — if they will not be subject to the laws of this country, — especially if they would disengage themselves from the laws of trade and navigation, of which I see too many symptoms, as much of an American as I am, they have not a more determined opposer than they will find in me. They must be subordinate. In all laws relating to trade and navigation especially, this is the mother country, they are the children; they must obey, and we prescribe. It is necessary; for in these cases, between two countries so circumstanced as these two are, there must be something more than connection, there must be subordination, there must be obedience, there must be dependence; and, if you do not make laws for them, let me tell you, my lords, they do, they will, they must, make laws for you. I say this, though rather foreign to the present question, because I may not have opportunity, my health may not permit me, to explain myself again upon this subject."

All this tends to evince what I have, I believe, often said, that America is to take care of herself. *In me mea spes omnis est*, is a reflection she has but too much reason to make upon all these occurrences. But if I go farther at present, I shall lose my conveyance, which must also apologize for the haste and incorrectness with which I write. I am, with perfect esteem and respect,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

The Livery of London have just now agreed to a most spirited remonstrance to his Majesty.

Intelligence is this minute arrived of the revival of the spirit of non-importation amongst the Boston merchants, which was thought here to be almost at an end. What pity it did not arrive five days sooner! It would have spoiled great part of Lord North's argument, but is now, I fear, too late to have much effect.

Indorsed, "Received per Post, May 5th, '70."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, March 28th, 1770.

SIR, — It is perfectly unnecessary, I presume, to tell you particularly what has occurred here since my last of the 6th instant, as every newspaper on the Continent¹ must certainly give you the remonstrance of the City of London, the King's answer to it, the address of the Lords and Commons in consequence of it, (which was the subject of much Parliamentary debate before it passed,) the procession of the minority, with two hundred thousand people at their heels, from the Thatched House,² opposite the King's palace, into the city to dine with the Lord Mayor, the subsequent remonstrance of Westminster, and that of the freeholders of Middlesex, which is all that is material.

From the same papers you will also see that this spirit of remonstrating will probably yet proceed much farther, and where it will end no man can tell. The minority lost

¹ It may be quite unnecessary to say that by the word "Continent," here and elsewhere in these letters, the writer means America, or especially North America. — EDS.

² Thatched House Tavern, St. James Street. A celebrated tavern, with a large room for public meetings. — EDS.

ground on the divisions relative to the address; many of the country gentlemen left them, thinking that the remonstrance had gone too far in denying the legality of Parliament, and that it was indecent with respect to the King. Indeed, nobody would undertake the absolute defence of it. They only insisted, that, the right of petitioning the King being founded in common right, ascertained by the common law, and secured by the resolutions of Parliament and the express provision of the statute called the Bill of Rights, it could not be punished, even though very improperly exercised; and that they had, therefore, best not to interfere in the matter. The majority, however, thought otherwise, which produced the address; but it is not expected that they will proceed to punishment, many who voted for the address having at the same time declared they would go no farther. The King, the Princess Dowager of Wales, the Ministers, and Parliament have been treated with the utmost conceivable indignity, in pamphlets, newspapers, and ballads, the former of which are daily hawked through the streets, and the latter sung at every corner and in every square. Various prosecutions at law have been instituted against the publishers, printers, and supposed authors of them, which, however, have yet given no check to these publications, which are continued with the keenest virulence, and the most intrepid boldness. Indeed, prosecutions and even punishments are courted by very many, as the best means of growing into consequence, and wished for by politicians, as likely to render the Ministry and the Court still more odious.

We have been amused with repeated intimations that the duty upon tea (as well as the other articles) would be repealed before the expiration of the session, and many yet rely upon it. For my own part, I think it very little to be expected, though we must not absolutely give it up, as it is barely possible. The Ministry, I believe,

intend to see whether the merchants and people of America have either the resolution or the ability to persevere in their agreements. They think it cannot be done, and it will now be seen whether America is really in earnest, and resolved to preserve her liberties. Surely it will be done! And are not the Colonies much obliged to the Ministers for this opportunity of giving the fullest proofs of their zeal and attachment to their true interests?

Governor Pownall tells me he is resolved to move, before the end of the session, in the affair of the military, which is hinted at towards the close of his paper, which I had the honor to send you. This is his own idea, and he is fond of it; but he will certainly, at present, find very little support in it. Something may, however, one day or other, come of it; for which reason I encourage him to push it, that we may at least know what can be said on the other side of the question.

Lord Hillsborough has been prevailed upon to drop, for the present, his design of laying the complaint relative to the Connecticut Duty Act before the King in Council, and to give the legislature of the Colony opportunity to correct it if they think proper, which I insisted he ought in justice to do, before any proceedings were had upon it here. You will therefore, if you think proper, suggest it to their consideration. I have never seen the act, though I have repeatedly applied for it, and cannot therefore write with precision upon it, but I have heard no other objection to it, of any consequence, (or which has not been got over,) than that it should have excepted goods imported directly from Great Britain by British subjects, that is, inhabitants of Great Britain; for it has not finally been denied that we may restrain the inhabitants of the other Colonies from importing goods into the Colony, though directly from Great Britain. If that amendment were therefore made, it would, I presume, obviate every objection. I have very cautiously

avoided giving any assurances that any alteration at all would be made in it, and only contended that justice and propriety required that opportunity should be given for it, if the General Assembly of the Colony should upon reconsideration think proper to do it; to whom alone it must be referred, and who I had no doubt would do what was wise and fit with regard to it. By putting it upon this ground, the present disagreeable altercation of it, while our other controversy is on foot, is avoided, and it is happily in such a situation that the Assembly may repeal or alter it, *salvo et honore et dignitate*, or abide by it, if they think it of importance enough to risk the consequences. In a word, it is fairly open to their determination, uninfluenced by any considerations other than such as their own wisdom and prudence may suggest.

Of the conveyances directed to be inquired after, we can yet only find the grant to the Council of Plymouth, which I imagine it is hardly worth while to forward till we can discover the others, for which purpose we shall continue our researches. We still expect the Mohegan cause will be tried in April. We are doing all we can to secure success, but I own to you I am extremely anxious about the event, and remain, with perfect esteem and respect,

Your Honor's most obedient and most humble servant,
W^M SAM^{LL} JOHNSON.

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, April 14th, 1770.

SIR,—I am very sorry to inform you that the trial of the Mohegan cause is again postponed. One of the counsel for the appellants was not ready to proceed

this week; the Attorney-General, on our part, has the gout; Lord Chief Justice Wilmot was obliged to go out of town on business; and the Lord President and others of the Council were resolved to do so, for amusement or pleasure, during the recess of Parliament for the holidays. It is some satisfaction, however, that they have peremptorily fixed the 11th of June for the hearing, beyond which it is agreed on all hands it shall not go. No earlier day (on account of the approaching terms, and the business of Parliament) could be found, on which either the lawyers or Lords of Council could attend upon it, and it seems impossible it should be delayed longer than that time; before which I hope we shall receive some money, of which we are quite destitute, though it is very much wanted.

It is now absolutely and finally determined, not to repeal the duty on tea, in this session of Parliament. Alderman Trecothick, having previously demanded a day for that purpose, in a very sensible speech represented to the House the vast importance of the trade of North America to this country; the absurdity of taxing the Colonies, or wishing to draw a revenue from thence, when they were possessed of a monopoly of their trade, by which they obtained all they had to spare, and even more; the necessity of restoring harmony and quiet to the two countries, from the general ill state of affairs in Europe as tending towards a war; the injustice of the Stamp Act, and the late Revenue Act; the insignificancy of the duty on tea; the encouragement it gave to smuggling; the necessity the late measures had put the Americans under of manufacturing for themselves, in prejudice to the mother country; the fallacy of their dependence upon the present brisk trade to Germany, and other parts, which now found employment for their manufacturers, and prevented their complaints, which would have other-

wise been extremely loud,—a trade which he said was in its nature temporary and precarious, and must soon fail and leave them (if the Colonies should continue their resolutions not to import) in great distress.

He stated the deficiency of the trade in the last year, though several of the Colonies had very illy observed their agreements, at seven hundred thousand pounds; that there were ten ships now in the river, whose orders for New York alone amounted to three hundred thousand pounds, which must go out in ballast if the duty on tea was not repealed; and therefore finally moved for liberty to bring in a bill for that purpose. He was seconded by the Lord Mayor, and several others, amongst whom was Lord Beauchamp, son of Lord Hertford,—a perfect courtier, who it was not expected would have appeared on that side of the question. The Minister and his friends would not enter directly into the merits of the question, but insisted that they could not, in point of order, by the rules of the House, resume the consideration of it again in this session, it having been before moved to add the article of tea to the bill for the repeal of the other duties, debated, and rejected. On this question of order the debate chiefly turned, and continued several hours. Finally, upon Lord Clare's motion for the other order of the day, it was carried in the affirmative by eighty to fifty-two (the House being very thin), which put an end to Trecothick's motion. Mr. Dowdeswell, General Conway, the late Solicitor General Mr. Dunning, Sir George Savil, &c., spoke for us on the point of order, as well as upon the general question. So far as the Ministerial speakers went into the argument upon the merits, (which was but slightly,) they reasoned upon the ill policy of yielding to the combinations of the Americans, and the probability that, if Parliament stood firm, those agreements would come to nothing, and the

trade be opened by the necessities of the people. Lord North said he wished, as much as any man could do, to conciliate the Americans, and to restore harmony to the two countries; but he would never be intimidated by the threats, nor compelled by the combinations, of the Colonies, to make unreasonable or impolitic concessions to them.

Thus the matter is fairly brought to this issue, whether the Americans have or have not the resolution, or the ability, to continue and conform to their agreements to decline the trade of this country. Many here think it impossible, and the Ministry are of the opinion that it is now a happy time for them to make the experiment, while their trade to other parts of the world is so flourishing. Not that they have any idea of parting with the trade of the Colonies; they imagine it will return of its own accord, and that they shall then forever have done with this embarrassment in their management of the Colonies, as the combinations, once dissolved, will never be renewed again, or if renewed will give the people of this country no apprehensions. No man therefore can be at a loss to determine what the Colonies ought to do upon this occasion; and as they determine and conduct, such will be their fate. All depends upon it; the game (if I may be allowed the expression) is in their own hands, and whether they will play it well or ill depends upon themselves; but without union and firmness they can do nothing. Happy would it have been had the other Colonies imitated the firmness and integrity of New York (who, it does not appear here, have in any respect infringed their agreements); we should, I think, have seen a different issue of this business, even in this session. But let us forbear censure. It is not too late to repair any miscarriages that have happened; and I must yet believe that there is wisdom, virtue, and patriotism enough in that country, not only

to save it from ruin, but to fix its rights upon a firm basis. I am, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

Parliament met again the 24th inst. Several things relative to the Colonies are yet in idea, but I question whether anything very material will be hazarded in this session.

RICHARD JACKSON TO JONATHAN TRUMBULL.

LONDON, 7 May, 1770.

SIR,—In answer to your favor of the 15th December, I think it necessary to have a little farther time before I give my answer to the two important questions you ask me. I have not yet read the manuscript Mr. Johnson sent me last night. I have had no leisure to search for and peruse the grants among our public records; much less have I had opportunity to collect together all the other instruments and facts material to the decision; but as a ship sails for New York to-day, I cannot omit saying a word on the subject, though I intend to write again by a ship that will sail in a few days; especially as I think it incumbent on me to acquaint you that we lost our question on the total repeal of the revenue act of the 7th of his Majesty, by 62, the numbers being 142 against 204. However, the rest of the act will be repealed, and I shall do my farther endeavors to procure the repeal of the duty imposed on tea.

Whatever title the Colony may have to the lands on Susquehannah, I think it advisable not to grant that title: it may prejudice the Colony in the opinion of those whose ill opinion may hurt them; and I think will not

sever the grantees, because, if the right of the Colony be a good one, neither Mr. Penn nor any one else can have a title good enough to recover upon, and therefore any one against whom Mr. Penn sets up a claim or institutes a suit may make use of the Colony's right to show Mr. Penn has none.

I here enclose Mr. Johnson's receipts not before sent, pursuant to the directions I have received from the Colony. I sent in my last an account between the Colony and myself, by which it appears that there is at present £112 1s. 10d. in my hands. In my next, I shall transmit a copy of the same account, examined by Mr. Johnson. I likewise send the original of my last letter, of which the copy was sent by packet. I am informed that we shall want for Mr. Johnson's expenses, those of the suit, &c., &c., near £1,000, in the course of two or three months. I hope the suit will be finally determined in two months' time.

I am, with sincere esteem and great truth, sir, your most obedient, most humble servant,

RICHARD JACKSON.

I had almost forgot to speak on the subject of a Bishop; for my own part, I shall always oppose from principle the sending any Bishop to America, with or without authority, and though I believe there are many people who do not think as I do on this subject, yet I am convinced there is not the least danger of a Bishop with any spiritual jurisdiction, unless it be over their own clergy.

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, May 21st, 1770.

SIR, — We now see the end of another session of Parliament, very little I fear to the emolument of the Colonies or of this distracted country. The intelligence of the late shocking catastrophe at Boston awakened some degree of attention to American affairs, which seemed to have been laid aside for the remainder of the session; but as it produced no effect of consequence, I need not trouble you with a particular detail of their proceedings. Mr. Trecothick immediately moved that all the intelligence received by Administration relative to the Colonies, and particularly the transactions at Boston, should be laid before the House; which was agreed to without much debate, with an exception, however, that Ministry might conceal, as far as they thought proper, the names of the informants. While the papers were preparing, Governor Pownall, after having been put off from time to time, found a favorable opportunity to make the motion, which I have before informed you he intended to offer, relative to the state of the civil and military commands in the Colonies. He stated, in a long speech, the commissions to the Governors, and that to the Commander-in-Chief of the Army, explained the nature and extent of them, showed their inconsistency with each other, pointed out the dangerous consequences which had already followed in some Colonies, and which must increase and become general, and still more fatal, in all the Provinces, from such a separation of powers, rendering the military in effect independent of the civil establishment; and then moved "That an humble address should be presented to his Majesty, most humbly praying his Majesty that he would be graciously pleased, with the advice

of his Privy Council, to give his directions for the examination of the several powers and authorities contained in the respective commissions granted, and in the respective orders and instructions issued to the several commanders, civil and military, in America, to the end that all such commissions, instructions, and orders may be explained, corrected, and amended in such cases wherein they clash or interfere with each other, or contain any powers and authorities that are not warranted by law and the constitution." He was ably seconded by Governor Johnston, who had himself, as Governor of West Florida, been involved in some very interesting disputes with the military, which have since received their determination in Westminster Hall. The Secretary at War, Lord Barrington, who took the principal share of this debate, defended the military commission, chiefly upon the ground of its having been drawn up and approved by the late Lord Chancellor Hardwick, who was both a very great lawyer and statesman, but he admitted it was a delicate subject, and deserved consideration; that therefore, as soon as they understood that doubts had been conceived with respect to it, they had stated a case for the opinion of the Attorney and Solicitor General, before whom it lay for consideration; and that, in consequence of their report, this matter would be regulated in a satisfactory manner. This effectually forestalled Pownall's motion, which therefore went off without a division. He had, however, the pleasure of having brought the Ministry into this measure, and it is probable that some good consequences will follow from it.

The next thing that occurred was a call of the House, by Mr. Burke, to take into consideration the American papers, when for three hours he very ably discussed all the conduct of Administration relative to the Colonies for three years past, which he insisted had been futile, inconstant, contradictory, absurd, and pernicious; and

thereupon moved the resolutions which you see in the enclosed votes of the House, all tending to censure Administration for what was passed, but pointing out no plan for the future. Administration defended themselves but very indifferently. Burke was well supported by Mr. Wedderburn, Mr. Grenville, Colonel Barre, and others; but upon the division they were only 79 to 199.

The same resolutions, in substance, were afterwards moved by the Duke of Richmond in the House of Lords, which you will see in the enclosed newspaper,—which also gives you the King's speech at the close of the session, and the second remonstrance of the city of London, which is to be presented on Wednesday next. The Duke of Richmond was supported by Lords Temple, Shelburne, Littleton, &c., and opposed by the Lords Hillsborough, Weymouth, and Poulet; but the debate was cold, feeble, and unanimated; neither side seemed to be much in earnest, and they were rejected on a division by 60 to 26. Lord Chatham was not there. He sent word, the morning it was to come on, that he was ill; but there are few, I believe, who imagine it was other than a political illness. It is plain enough that these motions were not made for the sake of the Colonies, but merely to serve the purposes of the Opposition, to render the Ministry, if possible, more odious, so that they may themselves come into the conduct of affairs, while it remains very doubtful whether they would do much better, if at all, than their predecessors. The truth is, they are none of them pleased with the face of things in America: the Opposition, therefore, only wished to show upon this occasion how well they could find fault with what had been already done, without giving the least hint at what they thought ought to take place for the future, with regard to which they choose to be perfectly disengaged. The Administration were also so cautious of explaining them-

selves, and continue so close, that there is no saying with precision what course they will pursue. From what fell from the Secretary at War in the last debate, it seems probable that the troops will be removed from Boston, and perhaps the Board of Commissioners may soon follow them. They are of opinion that the agreements not to import will come to nothing of themselves, otherwise they would have censured them; and they hope the repeal of the duty on the three articles will give some satisfaction, and, together with the disunion amongst the merchants, effectually open the trade. It is certain Administration (and indeed all parties) are perplexed enough with regard to the affairs of the Colonies, and I rather think they have come to no fixed determinations, but wait for some farther intelligence from that side of the water, which is every day expected. Parliament have continued some of the bounties upon American productions which were near expiring, and given New York liberty to issue £120,000 in bills of credit on loan, to be a tender only at their loan office and in the treasury. They have passed a temporary act relative to custom-house officers' fees, including the Naval Officer, directing that they shall take such fees as have been *usual*, until farther regulations are enacted; and amongst a great many trifling acts, and some very ill ones, they have passed two very good ones, — one for regulating the trials of contested elections, and the other for taking away the privilege of Parliament except so far only as relates to the persons of the members, by each of which much iniquity and injustice may be prevented.

You will see by the copy of Mr. Penn's petition against the Susquehanah Company, which I have forwarded to Colonel Dyer, that they are determined, if possible, to involve the Colony in that controversy. I shall, I hope, ere long know more of this matter, and be able to write

more fully upon the subject. We still confidently expect the trial of the Mohegan cause about the 11th of June. Such is the temper of the times towards the Colonies, and such the state of things here, that we have but too little to hope, and much to fear, with regard to it; however, we have made the best preparations possible, shall exert our utmost efforts at the trial, and must then leave the event to Providence. I return you my best thanks for your obliging favor of the 29th of January, and shall pursue with attention the instructions you therein favor me with, and am, with the greatest respect and esteem,

Your Honor's most obedient and most humble servant,
W^M SAM^{LL} JOHNSON.

Indorsed, "Received July 23d, 1770."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, June 28th, 1770.

SIR, — I had the strongest expectations that before this time I should have been able to have acquainted you with the event of the Mohegan cause; but unfortunately, for me at least, it is still depending, nor can I say when we are to see an end of it. It was appointed, you recollect, for the 11th of June. On that day the Master of the Rolls could not attend. The next day, however, it was entered upon, and the counsel for the appellants took up that and the following day in opening their case. Their arguments were long and labored, replete with the most illiberal and ill-founded abuse and misrepresentation, both of the Colony and the landholders, whom they represented as a set of the greatest tyrants, hypocrites, cheats, and deceivers that the world ever saw. After their argument

was closed, an arrangement was made for the argument on our part. I have, I believe, informed you that we have four counsel, two of whom appear in the name of the landholders, and two for the Colony. It was proposed by the Lords that the counsel for the Tertenants should go first, and open the cause on our part. This was what we both expected and wished, and the Attorney-General had attended and taken notes for that purpose. The cause was then adjourned to the Thursday following, when the Attorney-General was to enter upon the defence. Most unhappily, before that day arrived, he was taken ill with the gout, and we were obliged to ask a farther day, which was given us to the 28th. But the Attorney-General growing still worse, so that there was no possibility of his coming abroad, our other counsel, at a consultation last evening, were unanimously of opinion that it was neither reasonable nor safe to proceed without him, and that justice both to the Colony and the Tertenants required it should be delayed till his recovery; and we were directed to apply again to have it postponed.

Upon application for that purpose, this morning, their Lordships readily agreed that it ought not to come on in the absence of the Attorney-General; but said, since it could not proceed as was proposed, they would not undertake to hear it till after the long vacation, that is, till next fall. This being perfectly disagreeable to both parties, was remonstrated against on both sides; but all that could be obtained was, that if the Attorney-General should be able to come abroad in a short time, we might apply, and they would see what could be done. Such is the cruel state of suspense we are in, and we have only to hope that the attorney may recover before the Lords go out of town for the summer; for this is the secret of the whole matter, that the Lord President is resolved, as soon as the affairs of state will permit, to go down to his country seat in the North, and will not be detained

by this cause. Nothing could have happened more unfortunately than the illness of our first and leading counsel at this critical moment, but it is the act of Providence, which could neither be foreseen nor prevented, and we must submit. It is impossible to say what will be the event of the cause. They have adduced no new arguments, at least none that we were not aware of. The strength of their argument lies in the repeated admissions, on the part of the Colony, of right or title in the Indians, subsequent to their several conveyances and surrenders, and in their groundless clamor upon the ignorance, the poverty, and the misery of the Indians, on the one hand, and the power, policy, cunning, fraud, and imposition of the Colony and landholders on the other. Upon these topics they have not been wanting to declaim loudly and at large, and, as I have said, to add to them much misrepresentation and abuse; and in the present temper of the times, open to every calumny against the Colonies, it is not much to be wondered at that the general sense seems to be much in their favor. Our counsel are prepared to state the matter in a very different light; and though there is ground enough for fear, I do not yet despair of favorable issue. Be it as it may, all has hitherto been done that was possible, and we must with patience wait the event. What I at present most regret is the enormous expense that attends it, which is greatly enhanced by these unfortunate delays, and exceeds even all that I could have any conception of. I will not go into particulars at present, because it cannot answer any purpose, and I trust provision is already made by the Assembly for some present relief, and that we shall very soon receive some remittances. If we do not, I shall lose all credit, (upon which alone both I and the cause have for a long time depended,) and shall be in a sad situation. Mr. Jackson is particularly uneasy, and knows not how to account for his having received no intelligence rela-

tive to the protested bills so long since returned by him ; which I hope, however, came safe to hand, and that he will soon have the money replaced.

As to American affairs in general, little was said about them, after Parliament broke up, till the arrival of Captain Scott with a cargo of returned goods from Boston, and the intelligence that Philadelphia and New York (who, as I have informed you, it was expected would give up their agreements) were likely to continue their resolutions. This awakened the attention of Administration, and the Privy Council (including all the great officers of state) have been sitting several days, examining witnesses, and making a solemn inquiry into these matters. What the purpose of this inquiry is, is not known, and as they have of late learned to be extremely close in all their proceedings, it is not improbable you may know the result in America before it is made public here. But it is said they are laying a foundation for some spirited and effectual measures with respect to the Colonies, though by the witnesses who have been hitherto examined, who are chiefly the officers of the Crown from Boston, Captain Scott, who brought back the goods, and the passengers who came with him, it should seem that the immediate object is the Province of the Massachusetts Bay. It is my conjecture that they aim at laying a foundation for altering their constitution ; but this you will yet consider as conjecture only. Some of the questions which have been asked the witnesses, I have discovered ; which related to the state of the Province, its government and police ; the proceedings of the town meetings, the agreements of the merchants, the obstructions given to the importation of goods and the vending them in the town of Boston, the treatment of the importers and their customers (towards whom it is said many acts of violence have been committed), the manner in which the goods have been taken from the importers,

why and how stored, or reshipped; the mobs in that town; how far the government or magistracy have interposed in any or all these matters, to prevent or to encourage them, &c., &c. Upon the whole, the complexion of this inquiry appears to me very unfavorable, and I wish it may not have very disagreeable consequences.

I have had several conferences with Mr. Penn's agent, upon the subject of their joining the Colony in their petition against the Susquehannah Company, and had some hopes of persuading him to alter or give up that part of the petition, but finally find him inflexible. He says, whatever I or anybody else can say to the contrary, he knows the Colony do take part in that business, and he is resolved, therefore, to compel them either to defend or disavow their claim. There is also another obvious reason for their making the Colony party to the controversy, as it gives them a better color for proceeding in this method before the Council, which, after long deliberation, they resolved to adopt in preference to bringing suits in the Province, which is certainly the only fair and legal way of determining the dispute. I do not imagine there will very soon be any farther proceedings in the affair, so that there will be time for the Colony to consider what part to take in it.

Since my last I have the honor of your favor of the 3d of March, and its duplicate, for which I return my best thanks. The act imposing a duty of five per cent on goods imported rests till it appears whether the Assembly will choose to make any alteration in it or not. I have the pleasure to find I had stated that act to Administration exactly in the same light in which you place it, and supported it precisely upon the same principles. It is difficult to answer at present with precision your question, who are the principal supporters and friends of our antagonists in the Mohegan Case. In general they are, in a greater or lesser degree, all those

who are enemies to the liberties of America in general, and to the privileges of the Colony of Connecticut in particular, — a long, formidable, and d-t-s-t-ble list.

It gives me the highest pleasure to find the people of the Colony making such rapid progress in their manufactures, particularly in that of paper, of which the specimen you favor me with is a most agreeable and striking proof.

The Colonies have lost a very valuable friend in the late Lord Mayor, but it is some consolation that he will be succeeded by Mr. Trecothick, who will do them all the service in his power.

Your conjecture seems extremely probable, that the great operations now carrying on in the North, in the Mediterranean, and in the Morea are, in the course of Providence, preparing the way for the speedy completion of the prophecies relative to the Turkish empire, as well as the Pontifical tyranny, both which are certainly upon the decline, and seem hastening to their period. The latter is indeed already become contemptible in almost every court in Europe, and has been obliged to put up with very gross affronts, even from the powers which were imagined most devoted to its interests. Europe is now so enlightened by science, and the liberty both of speaking and writing has gained so much ground even in the most despotic states, that this system of superstition, villany, and folly needs only to be vigorously attacked, and it would at once dissolve away and vanish, like the baseless fabric of a vision; which God grant it may very soon do! I am, with the most perfect esteem and respect,

Your Honor's most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

Indorsed, "Received September 18th, 1770."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, August 20th, 1770.

SIR, — All the united efforts of both parties to bring the Mohegan cause to its final hearing have been ineffectual. Such was the impatience of the Lords of the Council to get into the country, that nothing could be done; and so very unfortunate was the Attorney-General's illness just at that critical moment when it might have been finished. There is now very little probability that it can be taken up again before the beginning of November, if so soon, though it will doubtless be finished either then, or, at farthest, during the recess from public business, about Christmas. This disappointment chagrins me exceedingly, as the situation of my family and of my private affairs, after so long and so unexpected an absence, is such as most strongly to require my attention, and I had almost assured both my friends and myself that I should by this time have been actually in America. Yet I know not how to leave the cause in its present situation; for though the preparations for the hearing on our part are already as effectually made as it is in my power to make them, and I have suggested to our counsel, both in writing and at frequent consultations, everything that has occurred, yet they may need to be reminded again of some things, and it is possible also something may turn up at the trial in which I may be of use towards securing a favorable issue of the cause; and even if it should be determined against us, it may be of much importance towards regulating the future conduct of the Colony to be able to report to you with precision the principles upon which it is decided.

These, and other considerations of the like nature, make me doubtful how it is my duty to conduct in this

situation, and it would give me inexpressible pleasure to be able to have your directions on so critical an occasion; but as this is impossible, I can only exercise my own best discretion, and take the advice of my friends here, which I shall do, and proceed as shall upon the whole appear most advisable. What adds greatly to the difficulty of my situation is, that neither Mr. Jackson nor I have received any letters or intelligence from the Colony since your favor to me of the 3d of March, and particularly that we hear nothing with respect to any money matters, neither as to the bills returned protested, nor any other remittances proposed to be made. Mr. Jackson has been almost led to doubt whether the Colony do intend to advance any more money in support of the Mohegan cause; and though he says he is very ready to advance any sum upon the credit of the Colony, yet to do it without request, or any intelligence that the Colony would approve of, or wish to have him do it, or propose any method to refund him, seems to be rather extraordinary. He therefore chose, for the last money I received of him, to include in my receipt a promise from me to repay it, in case the Colony should not choose to do it. Mr. Life is also much in advance, beside his amount for services.

For my own part, though I know the Colony have reason enough to be weary of so tedious and expensive a cause, yet, as it is of so very great importance and they are unavoidably embarked in it, I have no doubt that they intend to see the end of it, both with spirit and honor; yet I must own I am much embarrassed by this failure of intelligence, and if we do not hear something by the next packet, which is hourly expected, I shall be perfectly at a loss what to do, as I hardly know how either to stay here with reputation, or to come away with honor, even if I knew which would be most agreeable to the Colony, to whose intentions I wish above all things to conform myself. We know not how to account for our not hearing, as, in

so long a space, if some letters had failed, yet others must probably have come to hand, and there is now intelligence from America down to the 9th or 10th of July.

We are, I trust, happily delivered from any apprehension of further trouble or danger at present from Mr. Penn's petition to the Crown, relative to the Susquehannah lands, copy of which I transmitted some time ago to America. Soon after I wrote you upon that subject, (much sooner, indeed, than it was expected the petition would have been taken up,) we received a summons to attend the Board of Trade. Accordingly, I attended with our solicitor, Mr. Life, and their Lordships were pleased to give me an opportunity to state to them at large the claim of the Susquehannah Company, their proceedings from the beginning, the ground of their title, the part the Colony had taken in the affair, the former proceedings of government here, as grounded upon supposed uneasiness of the Indians, the consequences that followed in America, the subsequent treaty with the Indians, the occasion and intention of the late entry made by the Company upon the lands, &c. Upon the whole of which I insisted that it was a fair claim of property on the part of the Susquehannah proprietors, which ought to be decided at law, and not drawn into examination before the public boards of state, in such extra-judicial manner as was attempted by this petition. I did not think we were authorized to avow any claim on the part of the Colony, nor that it would have been expedient to have done it; since they must, in that case, according to their principles, have taken up the matter and gone into a full trial of it. Nor, on the other hand, did I choose to renounce their title in such manner as should be in any respect prejudicial, or prevent their making such claim at any future time, should they think proper to avail themselves of it. I was, therefore, extremely cautious upon this head, endeavoring, as far as possible, to keep the Colony out of

sight, and insisting chiefly that it was a sufficient answer to this petition, that the claimants did not enter under any immediate authority from the Colony, or to their use, but solely in right of, and to the use of, the Susquehannah Company; that the Colony had yet done no public act ratifying their entry, or in any respect relative to it, nor had given any instructions to their agents concerning it; that, therefore, as before their Lordships, the Colony, whatever title or claim they might have, were altogether out of the question, and it ought to be considered only as the affair of the Susquehannah proprietors, who did avow a title, and were ready, as I was informed, to defend it in the regular course of law, where alone they ought to be called upon to answer, &c. When I attended, some time after the hearing at the office, to learn the result, after repeated applications, I was at length told, to my surprise, that it was considered as a matter of state, and as such not to be communicated. I have, however, found means to obtain what I presume is a copy of their report, which I enclose you; but you will be so good as not to take any public notice of it, nor let it be so communicated as that it may by any means be known here that such copy has been sent out in this manner, which might be attended with very ill consequences. Indeed, all the correspondence with America is now so narrowly watched, and so much umbrage is taken at the communication of anything, either in point of fact or opinion, that they are pleased to call improper, that it is become more than ever necessary for all on this side to request of their friends the utmost degree of caution with respect to whatever they write, for this obvious reason amongst many others, lest by exposing them they occasion their being so guarded against as to render it impossible for them to obtain the intelligence they would wish to have communicated. Some imprudences of this kind in some of the other Colonies have been very prejudicial.

I fear I have done amiss in being so long silent myself, and desiring Mr. Jackson to be silent, upon a subject of so much importance as that of the resignation of his agency. Since he accepted the office of counsel to the Board of Trade (an office which could be in no person's hands in England so beneficially for the Colonies as in Mr. Jackson's), he has no longer considered himself as agent for the Colony. I at first suggested to him that perhaps the Colony would not think there was any inconsistency in the offices, and would desire him to continue his agency; but he said he could by no means think of retaining it, and must certainly resign. I then desired him to postpone the formality of a resignation till I should return to America; which was then, and has been ever since, expected to take place very soon. My reason for doing so was this. As I conceive it to be a point of very great importance, I wished that another should not be appointed, at least on this side of the water, till I could explain to you, and all who ought to be informed, both the state of things here and the characters of men who would probably be thought of for that purpose, more fully and confidentially than it was proper, or even possible, to do by letter; and I still think, if anybody *here* is to be appointed, that it will be best it should be deferred till my return; though, as I have been so unhappily detained beyond all expectation, and am yet in doubt when I shall get away, I dare not any longer omit mentioning it, and submitting the whole to your wisdom. In the mean time I think I may, without breach of modesty, venture to promise that while I do continue here none of the affairs of the Colony shall suffer, so far, at least, as attention, care, and assiduity shall be able to prevent it; nor will I leave them but in such a situation as that I apprehend our solicitor may take all proper care of them till the Assembly shall be able to give such directions, and to make such farther appointments, as they shall think proper. I

know not whether Mr. Jackson has yet said anything to you upon this subject, and as he is not now in town, I cannot now acquaint him that I have thought it necessary to mention it to you; if he has not, you cannot perhaps with propriety at present write to him about it. This, however, I also submit to your better judgment.

I cannot express to you with what astonishment and confusion, on one hand, and with what exultation and triumph on the other, the news that the merchants of New York have agreed to open the trade has been received here. The exception of tea and other dutiable articles is esteemed of little consequence. It is expected the merchants in all the other Colonies will immediately follow the example, and that the American controversy is now at an end. The Ministry are confirmed in their system, their prudence and firmness are applauded, the advocates for the Colonies are confounded, and hardly dare show their faces. Is this, it is said, your American firmness? Are these the examples you give us of your fortitude, your patriotism and perseverance? The eyes of all Europe were turned towards America, and on the issue of this controversy was to be formed their idea of your character. It is done; your character is now fixed; you will make a very contemptible figure in the eyes of all mankind, and disgrace the fair page of history. What can an American say to this? Nothing, but that we still trust and believe the virtue of the people is yet entire; that they will persevere firmly in those ideas of industry, frugality, and good economy which have been so strongly inculcated upon them, the necessity of which they have seen, which they have adopted, and of which it is presumed they have already begun to feel the good effects. If they do this, let the merchants do what they will, all is safe. If the people have but virtue, and will consume no more than is absolutely necessary, it is a firm ground to stand upon; it is the best ground, and there can be no

danger, let the merchant import what he will. They will soon be able to furnish themselves with all that is necessary within themselves, and the importation must cease without any combinations to prevent it.

The merchants of New York, it seems, justify themselves on the ground of the breaches of the agreement by the merchants of the other Provinces, particularly of Boston. They have, perhaps, but too much cause to complain; but how glorious would it have been for them to have persevered in their greater virtue! When men once begin to accuse and to recriminate, all confidence in each other is soon at an end. Nothing can be more fatal to the Colonies, nor give greater triumph to their enemies, than to be seen accusing, condemning, and contending with each other; it is certain they can then no longer act in concert, and on their union depends most of their importance in any dispute with this country. Alas the fatal effects of disunion and discord! How many states and empires have they ruined, and will yet ruin! But the subject is too disagreeable to dwell upon, and I quit it, at least till we know more of this matter than we do at present.

The resolutions of the late Councils I mentioned to you, on American affairs, have not yet transpired. Gambier went out very soon after to take the command of the ships upon that station, and is perhaps by this time arrived at Boston, where it is said he is to continue. What his orders are, we know not; but from the character of the man, nothing good is to be expected.

You will see by the papers the particulars of the two great Russian victories over the Turks, which is all the general news we have to present, and I remain, with the most perfect esteem and respect,

Your Honor's most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

SIR, — As it is possible your answer may arrive before the Mohegan Case is finally decided, it is proper I should mention to you that it does not appear, as far as we can discover from the record of the Case, that there was ever any Indian conveyance for the lands contained in the two grants to the Governors Winthrop and Saltinstall, of two hundred acres of land apiece, under which they had laid out about eleven hundred acres, as appears by Prent's survey.¹

The counsel for the Indians, in their opening, pressed both the extravagance of the measure and the want of an Indian conveyance very strongly, as direct evidence of fraud, and an indisputable encroachment upon the Indian property in the sequestered lands (which our answer, in the recorded pleadings, admits to have been always considered as belonging to them), and this by express authority of the Assembly, the survey having been returned to and approved by the Assembly, and ordered to be recorded, and the whole confirmed by their committee in 1721. As to the large measure, there is an obvious answer; but if there is any Indian conveyance, it so obscurely describes the land that it has escaped us. If you know of any, or can explain to us how it came that they did not take Indian deeds, as all or most others seem to have done, it will be of use to inform us of it. Those grants are indeed in some sort confirmed (but in very imperfect words) in Owenico's deed to Livingston and others; but it should seem as if there must have been some deed prior to that, and more conclusive.

I am your Honor's most obedient servant,

WM SAM^{LL} JOHNSON.

I write this separately, that you may communicate it only so far as you think proper.

¹ This survey was probably made by Captain John Prentis, or Prent, as the name often appears. — Eds.

*To the Right Honorable the Lords of the Committee of Council for Plantation Affairs.*¹

MY LORDS, — Pursuant to your Lordships' order of the 25th of May last, we have taken into our consideration a petition to his Majesty in Council, of Tho^s Penn and Rich^d Penn, Esq^s., true and absolute proprietors of the Province of Pennsylvania, setting forth, amongst other things, that several of the inhabitants of the Colony of Connecticut have forcibly seated and possessed themselves of a certain tract of land lying within the limits of the petitioners' charter, and humbly praying that immediate directions may be given for removing the said people from such forcible possessions; and that the Governor and Company of the Colony of Connecticut may set forth their claim (if they have any) to the lands in question, and in the mean time that they forbear making any further encroachment in the premises, till the right of the said lands shall be determined by his Majesty in Council. Whereupon we beg leave to report to your Lordships, —

That the request contained in the proprietors' petition, that the Governor and Company of Connecticut may be ordered to set forth their claim (if they have any) to the lands in question, appears to us to be a very proper one, and to contain the only matter necessary for his Majesty's consideration in the case to which their petition refers. We have, therefore, thought fit to call the agents for the Colony before us; and they having signified to us that they have no instructions to avow the proceedings of the settlers upon the lands in question as founded upon any authority from that Colony, or to set forth, on behalf of the Colony, any claim to the said lands, we are

¹ This document was enclosed in Mr. Johnson's foregoing letter of August 20. — Eds.

clearly of opinion that the forcible intrusion alleged by the proprietaries of Pennsylvania is a matter entirely within the jurisdiction of this Province; and that it would be both unnecessary and improper for his Majesty to interpose his authority in a case where there is not the least color of plea that the charter of the Province of Pennsylvania does not contain the powers necessary to the decision of any suits which may be brought into the courts there, in cases where the title to the lands may be in question, nor that the state of the Province does not afford the means to support the execution of the laws, preserve the public peace, and enforce the legal process of the magistrates, and the courts of judicature.

We are, my Lords, your Lordships' most obedient and most humble servants,

HILSBOROUGH.

ED: ELIOT.

JOHN ROBERTS.

W^M FITSHERBERT.

ROB: SPENCER.

(Copy.)

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, October 12th, 1770.

SIR, — I have no other occasion to give you the trouble of a letter at present, than only to return you my best thanks for the honor of your favor of the 18th of July, which after so long a delay of intelligence, and the state of anxiety and suspense it had produced (in others more than myself), gave me the most sensible pleasure. By the best advice of my friends, and after much deliberation, I have concluded to wait the decision of the Mohegan Case through one season more, in which determination

I find myself confirmed by your direction to that purpose, and am much obliged both to you and to the honorable Assembly for the provision they have been so good as to make for my support, and the other expenses of the cause, which will, no doubt be brought to a conclusion some time this winter. As Mr. Jackson is yet in the country, I do not know whether any of the bills are yet come to hand. The cursory view you have had of the appellants' case has given you a specimen of the misrepresentations and abuse by which their cause is supported, and which have upon no occasion been spared. The plan they have adopted one would imagine to be that old, ungenerous one, to throw as much dirt as possible, in hopes that some will certainly stick. We have on our part taken all possible pains to prevent the ill effects of this uncandid method of proceeding, but with what success we cannot yet determine. All cases before the Lords of Council must be printed; ours was therefore done at the same time as theirs. They chose to print also all the proceedings, which we thought unnecessary. We have dispersed great numbers of our cases wherever we imagined it might be of use, and I should have sent you a copy had I not hoped long since to have had the pleasure of delivering it with my own hand; but as you wish to see it immediately, I now send you a set, together with the copies of such of the papers you directed me to procure as I have been able to discover, and shall continue the inquiry for the others.

Nothing new can be said with regard to American affairs. All attention has, for some time past, been taken off from every other object of political consideration, by the strong appearances of an approaching war, for which the most vigorous preparations are making; and there are already a great number of capital ships ready to put to sea. Men are collecting in all the ports of the kingdom, both by impress and enlistment, and the navy of

England (notwithstanding the late disaster at Portsmouth) will soon be in a formidable condition, prepared to meet anything that can probably appear upon the ocean. Whether we shall actually engage, remains yet undetermined, and there are very various opinions and conjectures upon the subject. It would, therefore, ill become any man to be in any degree positive, where there is so great a diversity of sentiments, even amongst those who have the best means of information; but considering that our rupture with Spain would no doubt very soon involve all the rest of Europe in a war, and that there is not a power that is really in a condition for it, I cannot help thinking it may yet blow over. The Ministers are very secret, but I imagine their present ideas are these. They think the insult upon the nation in dispossessing us of the Falkland Islands is too great to be tamely put up with; they have therefore addressed the Court of Spain in the most peremptory terms, demanded a categorical answer to their claims, and are arming with the most determined vigor and despatch. They hope that Spain, however, will make the necessary concessions, in which case they will derive very great honor from so spirited a behavior; if not, they will declare war, or continue to negotiate, as they perceive the temper of the people, and particularly of the city of London, to be inclined to war or peace. They have no money in the Exchequer, and are therefore resolved, if there be a war, it shall be the war of the people, and which they shall be engaged to support; thus their reputation as active Ministers will they hope be secured. They will be ready, but will not strike, till they find the people so far engaged that they may be boldly called upon for money. This idea will, I fancy, account for all the present manœuvres and appearances, both of vigor and of caution, — of vigor in point of preparation, and of caution and delay in respect to declaring war, or striking any stroke

which may render it inevitable. These, however, are but conjectures, and may not be justified by the event. In the mean time Parliament is summoned to meet for the despatch of business so early as the 13th of next month, when they will be obliged to open at least a part of their designs, and we shall be able to judge with more certainty what we have to expect. However it terminates, it is certain the spirited conduct of Lord North has given him great reputation, and tends strongly to secure him in his present situation ; indeed, everything at this moment seems to promise permanency to the present Administration. The Opposition appear to be much broken and disconcerted, nor does it seem very probable that they will be able to push themselves soon into power, unless aided by some extraordinary occurrence.

The plague is making great ravages, not only in Asia, but in several parts of Europe, and seems to gain ground in spite of all endeavors to stop its progress. From the extensive trade of this country, it begins to be much dreaded here. It was yesterday reported that it was even so near as Dunkirk, but this proves to be a mistake. His Majesty has issued, some time ago, his proclamation, strictly enjoining all ships from the neighborhood of the infected countries to perform quarantine. Many people, however, think those measures will be insufficient, and call aloud upon government for some more effectual security. I hope, however, that the danger of its importation is not so great as they seem to apprehend, and that an all-gracious Providence will preserve us from so terrible a scourge. I am, with perfect esteem and respect,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

Indorsed, "Received 4th January, 1771."

JONATHAN TRUMBULL TO WILLIAM SAMUEL JOHNSON.

To Wm. S. Johnson, Esq.

LEBANON, November 7th, 1770.

SIR, — In my last to Mr. Agent Jackson, I informed that I had discovered several things relative to the Pequot conquest, the right of Uncas, and other transactions which appear to me material in the cause of the Mohegan Indians. Enclosed is, first, a report made by Denison, Stanton, and Latham, three Indian interpreters, to the Commissioners of the four United Colonies of New England, concerning the Pequot conquest and the right of Uncas; dated 19th September, 1663,—an old copy of a copy, that, attested by Secretary Kimberly, was sent to Sir Henry Ashurst, and by him used against the judgment of Dudley and others, which appears in the account of papers sent him, and being the petition he laid before the Queen. 2d. Uncas's testimony respecting the conquest of the lands in the westward part of the Colony; an original, signed by him and attested by Governor Treat and Major John Talcot. 3d. The testimony of Thomas Stanton, the Indian interpreter, who was present at the last fight with the Pequots, at the swamp beyond Fairfield, witness to the deed of September 18th, 1640, and fully acquainted with the transactions of that time. 4th. Mr. Higgison's evidence, &c. respecting the same. 5th. Extracts of the records of the doings and proceedings of the Commissioners of the four United Colonies of New England.

You will remember that I told you, before your departure from hence, that the matter of the conquest had never been insisted on, as it ought to have been, in the present dispute. Every inquiry and discovery concerning those ancient transactions more and more confirm the

same. The state of the case, taking up on that ground, will plainly show that the chief sachem was of Pequot *what we call* the Sovereign Lord and Proprietor of all the lands, and Governor of all the people that then were within the bounds now possessed by the inhabitants of this Colony. His power and authority extended even beyond Hudson's River. The many sachems thereon paid him tribute for their lands, and yielded obedience to all his commands, both in peace and war.

That he was the most sovereign, despotic, and rich of any chief sachem or monarch in the four Colonies of New England, and enjoyed the largest territory. Conquest gained over him spread the English right over all the lands now actually possessed within the same. He gave the Dutch a deed of the lands at Hartford. He commanded the Indians wherever he went to the westward, till his final overthrow. That thereupon the Indians surrendered their lands to the English conquerors, and humbly sued for protection, mercy, and their favor, and submitted themselves. All that was granted them, and land to plant; and, to take away from those natives all grounds of complaint, or hardship and injustice done them, or any possible pretence of right remaining in them to any lands, they condescended to give them coats, hoes, hatchets, &c., and took deeds from them showing their submission, acquiescence, and grant of the same. This was the case of all the sachems at Niantick, Quinepiack, holding under the chief sachem of Pequot, — particularly Uncas, a near kinsman and son-in-law to Tatobam, or Sassacus, the chief sachem of Pequot, who, for his pride and treachery, Sassacus had several times chastised and turned off from his land, and who had, at the time of the English war beginning against Sassacus, newly or again revolted, and came personally, with only one other Indian called Wequash with him, to the English at Hartford, and offered himself to go

their pilot against the Pequots. He and Wequash went, with a number of Indians collected at Hartford, Windsor, and Weathersfield, called River Indians, and really the subjects of Sassacus, who were willing to cast off the Pequot yoke. At Narraganset a number of Miantonimy's men joined them; their behavior and Captain Mason's success is shown in Mason's history.

The conquest being made and the war ended, the English, desiring to extinguish the name of Pequot, made sale of two hundred captives, Pequots, — eighty to Myantonimy, eighty to Uncas, and forty to Ninegret, — they paying an annual tribute for them according to agreement, the name of Pequot to be extinguished, and they were to be called Narragansetts and Pequots forever; which payment was but poorly made; yet some part was done annually, and a settlement made with them in 1655, and they came into further engagements for it in future. Uncas, by his deed, September 18th, 1640, conveys all his territories to the English, they allowing him to have ground for planting; and receives a gratuity for it, although in fact the conquest covered the whole. This deed is mentioned by the Commissioners of the United Colonies, 1646, and no other deed was ever given by him before, nor until eighteen years afterwards; viz. those to Richard Houghton of Massapeag, and — Rogers of Pommachaug, — both directed to the Assembly to confirm. And the consideration to him was their assistance and saving him from the Narragansetts, at that time at war with him, and he and his fort in imminent danger of being taken; and truly, the English instead of being protected by Uncas, he was at all times protected by them; and had they neglected to afford it to him, the Colony would have never been troubled with this expensive litigation. It appears by every transaction of the Assembly of Connecticut with him, or in reference to him, that they looked on themselves under no

other particular obligation to him, only to provide him and his Indians with land to plant.

Indorsed, "Copies to Wm. S. Johnson, Esq., November, 1771[0]; do. 17th do." ¹

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, November 15, 1770.

SIR, — The debates at the opening of Parliament have been by no means so interesting, nor so full of information, as was expected, yet it may not perhaps be unacceptable to you to receive some general accounts of them. Lord Greville moved the address of thanks for the King's speech in the House of Commons, and was seconded by Mr. Rice, of the Board of Trade. Sir Charles Saunders made some strictures upon the preparations for war, said he thought many things were amiss; but that he would not speak out all he thought, lest it should do mischief and encourage our enemies, which he by no means wished to do. Sir William Meredith then objected to the speech, that it named only the Governor of Buenos Ayres as having attacked the honor of the Crown, and did not boldly mention the King and Court of Spain, from whom alone the affront could come. This, he said, looked too like committing the King of Great Britain with a paltry Spanish governor, and was infinitely degrading. The address, he conceived, contained too strong an approbation of the measures of Ministry, and seemed to engage at all events to support the war, and refund any expense the Ministers should think proper to incur. It was like an unlim-

¹ A rough draft of apparently but one letter. — Eds.

ited vote of credit, &c. He concluded with saying that something seemed to be threatened against the Province of Massachusetts Bay, and he feared it was intended to attack their privileges, — those privileges under which they had emigrated, and settled the country; that, if this was the case, he should oppose it as strenuously as he would any attack upon the rights of the people of England. Colonel Barre gave the House a very spirited speech upon the general state of affairs, the unprovided condition of our fleets and armies, the defenceless state of our fortifications and garrisons of Ireland and the Colonies, the fishery, and the West India Islands. The inattention of the Ministry to these great objects, notwithstanding the warnings which had been given them (particularly by the Opposition in the course of the last session) upon the divisions at home, the dissensions in Ireland, and the discontents in the Colonies, all which he charged upon the Ministers, and thence inferred that we were in very ill circumstances to commence a war. His Majesty, says he, if he now goes out to war, will go out with but half his people to support him. The rights of the people have been invaded and trampled upon. Restore them their rights, conciliate their affections, establish unanimity at home upon a firm basis, before you go out to war, — as did the great statesman who led our fleets and armies to glory and to conquest in the last war, and shook the whole power of the House of Bourbon in every quarter of the globe. Do this, or you go out to sure destruction, &c. He also made himself merry with their having now set up Don Francisco, the insignificant Governor of Buenos Ayres, as the enemy of the King of Great Britain, just as they had before opposed him to a wretched libeller, John Wilks, a late inhabitant of the King's Bench prison. Mr. Burke displayed his elegant talents in a general descant upon the inanity of the speech, and the futility of the address, and insisted they

ought to have fuller information of what had been, and what was proposed to be done, before they pledged themselves even so far as they were called upon to do by that address. He insisted, also, that the Ministry should have begun their preparations as soon as they had the first intelligence from Falkland Islands, in June last; that they had been negligent when they should have been vigilant and active, and, when at last they were awakened, were in trepidation and confusion, cried out War, but begged for Peace, and were now negotiating under the mediation of France. He dwelt largely also upon the discontents of the people and the violation of their rights, both in England and Ireland; and with regard to the Colonies said, the Ministry had no reason to plume themselves so much as they did upon the concessions of the Americans, since they had receded only in exact proportion as Parliament had done; and both upon commercial principles; one had taken off duties, the other extended the liberty of imports. Parliament retained the duty upon tea as a test of their right to tax, and America forbid the importation of it, in direct denial of that right; so they were but pretty nearly where they were at first. Mr. Dowdeswell spoke upon the same general topics that Colonel Barre and Mr. Burke had discussed, but in a different manner, and pledged himself to bring again in question the Middlesex election.

Lord North was up several times, and in a very able and candid manner replied to all the objections that had been started, to the speech, the address, and the conduct of Administration. The speech, he insisted, contained as much information as could properly be given, and more than was usual; the address he considered as a proper compliment to the Throne, which would not bind the House should they afterwards, upon examination of the papers they might call for, find reason to disapprove of any steps that had been taken, or were intended. That they had not begun

their preparations sooner he justified upon this ground, that the intelligence they had received in June was only of a warning given by the Governor of Buenos Ayres to the English to depart the island, upon a claim of property, which had been very properly replied to when given, and was therefore a proper ground of negotiation, not of war, nor of preparation for it; that had they then armed, Spain and France would also have armed, *pari passu*, so that we could have only had the start of them a little, as we now have; but when that Governor had presumed to employ force for the removal of the King's subjects from the island, it was such an insult upon the honor of the nation as could not be a moment endured; that therefore they had instantly begun to arm, and made immediate demand from the Court of Spain for proper reparation for the injured honor of the nation, and if they did not give it, a war was unavoidable. He absolutely denied that they were negotiating under the mediation of France, and, with a truly British spirit, said, *England had no mediator, he thanked God. England had no need of any mediator; she was able to vindicate her own cause, and to do herself right, not only against Spain, but against the whole House of Bourbon and all the combinations they could form against her.* That the Governor of Buenos Ayres alone, and not the Crown of Spain, was mentioned in the speech, he conceived, he said, to be both right and prudent, since it was plain, from the course of the affair, that the Governor had not acted under any *particular* order from the Court of Spain, there not having been sufficient time between the warning and the attack for him to have transmitted an account of his proceedings to his Court, and to have received orders thereon; that they had not yet avowed the act, and till they did it was not fair to charge it upon the Court of Spain, nor to deprive them of the opportunity to disavow the Governor, and prevent a war, if they chose to do it. He was very sorry, he said, when

we were in so critical a situation, that anybody should take pleasure in laying open our weakness (as Colonel Barre had done), or pointing out to the enemy where and how we were most open to attack; but however, he thought it would be found, upon trial, that we were as well prepared in every quarter as we had been upon any former occasion. And whatever apprehensions some gentlemen had expressed, with regard to their dissensions and divisions, he did not doubt, if his Majesty found it necessary to go to war, but he would go out with his *whole people*; for he could not imagine that the political differences by which they had been agitated could prevent their uniting with hand and heart, in the common cause, to vindicate the honor of the Crown and the dignity of the nation, &c. This Minister, in truth, acquitted himself well, and acquired much reputation upon this occasion. The subject of America he chose to waive entirely for the present. After much conversation of this kind, the address passed, not only without a division, but without much contradiction.

In the House of Lords, Lord Sandys moved the address, and was seconded by Lord Grantham, who made an apology for speaking so early, having that day only taken his seat. The Lords Rockingham, Manchester, Richmond, and Bolton attacked the speech, address, and Ministry, upon the same general grounds as were taken in the House of Commons, and were answered by the Lords Gower, Sandwich, and Denbiegh. The Lords in Opposition were pretty severe upon Administration. The Duke of Richmond said they had *very much to fear*, and the Duke of Bolton went so far as to say *he wished soon to see some of their shoulders upon the block*. There was a trifling amendment proposed, to leave out the word *immediate* as applied to the preparations for war and the demand upon Spain; but they had no division, and did not sit late.

Upon the whole of these proceedings, it seems to be but

too probable that we shall have a war, and it is evident that the Ministry are quite firm. Indeed, the political state of this country is very surprisingly changed since last session of Parliament. The Opposition have been continually losing ground, and of late have lost both weight and strength by the death of Mr. Grenville, the Marquis of Granby, and other persons of consequence. They have not only suffered much in the loss of their leaders, but are also greatly divided amongst themselves. Mr. Wilks, after a strange attempt to procure an impeachment against Lord North, which ended in an insignificant remonstrance from the electors of Westminster, seems now to be quarrelling with his best friends, and likely to fall again into obscurity, unless the Ministry should give him fresh consequence by some new prosecution, which he is laboring to provoke. It appears at present as if Ministry will hardly have anything to impede them, but may carry whatever they please, with the utmost ease.

With regard to the Colonies, the mercantile combinations are esteemed to be at an end, and will have no further weight in the present deliberations than may be derived from the resolution not to import tea and other dutiable articles; and how far that is like to go, after what has happened, you will easily judge. The Colonies are also considered as effectually divided amongst themselves, and not likely to be again very soon united. What then, in this state of things, has Massachusetts Bay to expect? Certainly, that whatever Ministry propose will be adopted. What they will propose, I cannot yet tell you with any precision. I know only that a bill is preparing, and will probably be soon offered to Parliament, not, it is said, absolutely to take away their charter, but to introduce some new regulations only. Of what value their charter will be, after those regulations take place, we shall be able to judge when we know what they are, and may very shrewdly guess, even now.

You will certainly ask me, with some impatience, And what, in this state of things, has Connecticut to expect? And I must fairly answer, I know not. *Jam proximus ardet Ucalegon*. When the flames are so near us we should be stupid indeed not to be alarmed. When charters are called in question, we have certainly more to fear, because we have more to lose, than any other people upon earth. Our situation is extremely delicate. We are certainly not out of danger; yet I hope we shall escape, at least if no new ground of resentment should appear. What has occurred is, I hope, pretty well got over, and I trust the Colony will continue to conduct with that prudence and temper as not to endanger the most valuable privileges that people ever enjoyed. All I can say further is, that, as I have carefully watched this affair from its first rise in the Council, of which I believe I gave you some intimation, to its present stage, so I shall continue to give it every attention, and do everything in my power to prevent the Colony from being affected by it. Was ever situation more critical than that of all our affairs? At this dubious juncture, too, we have had another day of hearing in the Mohegan cause. It was all taken up by the Attorney-General, who gave us a very good argument; but how far the Lords were convinced by it, we cannot judge. That they are strongly prejudiced by the cry of iniquity and injustice done to the *poor, ignorant, helpless, friendless* Indians, which the other side constantly din in their ears, there is no doubt; but we must still hope that truth and justice may finally prevail over noise and clamor. The Lord President intended to have gone on and finished the cause; but Sir Fletcher Norton (the Speaker) could not attend on account of the meeting of Parliament, nor the lawyers on account of the term. It is therefore intended to close it during the recess of Parliament, either a little before, or soon after Christmas. It is very well, indeed, in one respect, that we have had this hearing, as

we should otherwise probably have lost the benefit of the Attorney-General, who it is expected will be very soon made Lord Keeper, or Lord High Chancellor. I have the honor to be, with the greatest esteem and respect,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

SIR,—Having been unfortunately disappointed of the conveyance by which I expected to have forwarded the above, I beg leave very briefly to mention what has occurred since. The Duke of Richmond, in the Lords, and Mr. Dowdeswell in the Commons, both on the same day, the 22d ult., moved for an address to his Majesty, that he would be pleased to lay before them the papers relative to the dispute with Spain. The Ministry opposed it, because the negotiation was still depending, and insisted it ought not to be done, as, in this stage of the business, it must probably be very prejudicial to the negotiation, and perhaps even put an entire stop to it. The matter was labored with great ability in both Houses. The debate was by no means confined to the point before them; but the Opposition took up everything that they imagined might tend to cast blame or odium upon the Ministry. The Lords Chatham, Littleton, and Shelburne, the Dukes of Manchester, Richmond, and Bolton, did their best amongst the Lords, while Barre, Dowdeswell, Burke, Wedderburne, Sir William Meredith, &c. strained every nerve in the Commons; but all to no purpose. The divisions showed how weak they were: in the Lords they were only 28 to 92, and in the Commons 101 to 225; so able are the Administration to maintain their ground, and they must continue firm unless some unforeseen, unexpected accident should occur to shake them. A few days after this, the Opposition tried a motion for a bill to deprive the Attorney-General of the power of *information ex officio*, upon which occasion the proceedings of the Courts in West-

minster Hall in criminal prosecutions, and particularly in matters of libel and several late trials of that nature, particularly those relative to Junius's letter to the King, were very largely and fully canvassed; but upon the division they lost it by more than two to one. Lord Chatham has also lately made two motions in the House of Lords relative to the dispute with Spain, with a view to disclose and canvass the proceedings of the Administration in the negotiation with that court, and in the preparations for war. He was supported by his usual seconds, and the dispute ran very high, but the Ministry still refused to let him into any of their secrets, or to account, at present, for any of their conduct; and, upon the division, the minority made but an indifferent figure. The Commons have voted forty thousand seamen, including eight thousand marines; the guards, artillery, and marching regiments are ordered to be augmented fifteen men to each company, and everything wears the face of war; but it is not absolutely determined upon, and we remain in anxious suspense for the decision. The cities of London and Westminster have remonstrated again for the dissolution of Parliament and the dismissal of Ministers; but the King remains firm, and gives for answer, that he has seen no reason to alter his opinion, and therefore cannot grant their petitions. Even Lord Chatham and Lord Shelburne, and the lawyers in Opposition, have given their opinions for the legality of pressing seamen to man the navy; so that that important point, which it was expected would have been the subject of much Parliamentary debate and public dissension, is now at an end. Lord Chatham himself offered in the House to join with Administration in bringing to condign punishment those Aldermen of London, viz. Wilks, Townsend, Oliver, &c., who had presumed to discharge the impressed men who had been brought before them, calling them patricides, enemies to their country, and seditious demagogues.

The only public act that has been passed, and which was also much opposed, is for prohibiting for a further limited time the exportation of wheat, rye, barley, and other grain. The bill relative to the Massachusetts Bay is not yet brought forward, and all possible pains will be taken by those who wish well to the Colonies to put a stop to so disagreeable an affair.

I have the honor to be, with perfect respect, your most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

WESTMINSTER, December 5th, 1770.

Indorsed, "Received March 16th, 1771."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, January 2d, 1771.

SIR, — When I wrote you last, I was full of the most anxious concern lest the dark cloud which seemed ready to burst upon the Massachusetts Colony would also desolate the neighboring Colonies, particularly those of Connecticut and Rhode Island. I did not, however, think it proper to trouble you with all my fears, because I knew it would fill you with the deepest concern, without there being the least possibility of your doing anything at present to avert the impending mischief. Blessed be the God of all our salvations, I have now the pleasure to inform you that those dark and distressing apprehensions are in a good degree dissipated. I have happily obtained such confidential assurances from government that I think I have nothing particular to fear for the Colony of Connecticut, — except what depends upon the decision of

the Mohegan cause, the consequences of which I cannot yet pretend to answer for. Even Lord Hillsborough has assured me that I may be at peace for the present, and that, whatever is done with regard to others, it shall not involve us; and with respect to the Massachusetts Bay, there is very great reason to hope that the design of altering its constitution will be laid aside. The bill I mentioned to you as preparing for that purpose has been settled and approved by many principal officers of state; yet so strong have been the applications against it, such the representations of the injustice and the ill consequences which would attend it, such is the situation of things, and, let me add, to do justice, such is the moderation of *some* of his Majesty's Ministers, that I believe (though it is not absolutely determined) that it will go no further at present. The Massachusetts Bay by no means owe their safety, so much as they ought to have done, to their own conduct, or to any care they have taken of themselves or their affairs; but I will not trouble you with the particulars of the negotiation upon this occasion, which cannot well be explained in a narrow compass, and would perhaps be tedious in the detail.

Parliament now stands adjourned to the 22d instant, having done little since I wrote you, beside debating, to very little purpose, upon the subject of libels, the doctrine of informations and of attachments for contempt, the proceedings in Westminster Hall in matters of criminal jurisdiction, and a controversy between the Houses about admitting each other's members to be present at their respective debates, in which we who are strangers, and wish to observe their proceedings, have been unfortunately involved. The important point of the land-tax, which is advanced to 4s. in the pound, and which was expected to have been firmly and warmly opposed, they got over without much difficulty. The Ministry carry everything with great ease. It is said, and very gener-

ally believed, that the late Mr. Grenville's whole party have agreed to go over to Administration; that Mr. Wedderburne is to be Attorney-General, and Mr. Whateley Secretary to the Treasury: this, if so, will add no inconsiderable strength to Ministry, and will be seen at the meeting of Parliament. The negotiation with Spain is yet proceeding, but it is hardly thought can end but in a war. However, upon some difference of opinion upon this subject in Council, Lord Weymouth, in whose hands the negotiation was, has resigned, and is succeeded, as Secretary of State, by Lord Sandwich, though it is imagined the treaty with Spain is gone into the hands of Lord Rochford; but as a proof to the people that Lord Weymouth has not resigned in disgust, his brother has succeeded Lord Sandwich in his lucrative station in the Post-Office. Everybody is astonished at the surprising revolution which has happened at the court of France. The Duke de Choiseul, the most absolute, and perhaps the ablest, minister in Europe, is dismissed with disgrace, and a total change has taken place in every department of the French government. Nothing, it was thought, could have shaken the confidence of the King in the Duke de Choiseul, and his disgrace was looked upon as impossible; but it has been at length effected by the intrigues of the Prince de Soubize, and of Madame de Barré, the King's mistress. This event, it is expected, will have no little influence upon the counsels of this country, and of all Europe; but whether it will tend to hasten, or to procrastinate a war, is by no means agreed by our politicians, and is yet warmly disputed amongst them. Upon the whole, I should imagine it must be of service, as he was confessedly a very able minister, and the avowed enemy of this country.

Our cause, we expect, will be finally heard about the 17th of this month, and may be decided before the end of it; after which I hope to be at liberty to prepare for

my return to America, and am, with perfect esteem and respect,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

P. S. — Just as I had finished the above, your favor of the 7th and 9th of November came to hand. As the mail closes this moment, I can only say I will make the best use I can of the valuable papers you have favored me with. Though I have hardly time to run them over, I see they will be of great use, if they can be given in evidence; but I much fear whether it will be permitted in this stage of the cause. Even if refused, it will be of some service to offer them. Yours,

W. S. J.

Indorsed, "Received 5th April, 1771."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, February 5th, 1771.

SIR, — The interval since I wrote last, having been the usual season of recess and repose, produced nothing material till at the reassembling of Parliament, on the 22d ult., two things of importance were announced to us at once; viz. the signature of a convention with Spain, and a very considerable accession of strength to the Administration. Lord Suffolk was appointed Lord Privy Seal, in the room of Lord Halifax, made Secretary of State in lieu of Lord Sandwich, placed at the head of the Admiralty. Mr. Bathurst, now Lord Apsley, was appointed Lord High Chancellor; Mr. De Gray, Lord Chief Justice of the Common Pleas, in lieu of Lord Chief Justice Wilmot, who retired upon a pension; Mr. Thurloe suc-

ceeded Mr. De Gray as Attorney-General; Mr. Wedderburne accepted the office of Solicitor-General, together with that of Cofferer to the Queen; and Mr. Whately was made one of the Lords of Trade. By these changes and preferments, and some others not yet quite settled, it is understood that most, if not all, the Grenville party are reconciled to Administration, who are thereby abundantly prepared to support the convention they have entered into with Spain, which was soon laid before Parliament, and will be vigorously attacked by the Opposition, with all the strength they can muster. Indeed, they seem to have good ground to condemn it, as it barely restores to us the possession of Falkland's Island, (leaving the title to it open to future discussion,) without providing any reparation for the insult, or indemnification for the large expenses incurred in consequence of this infraction of the peace, which has cost the nation more than two million of pounds sterling, besides the interruption to commerce, and the distress it has brought upon individuals. Thus ends for the present, with disgrace to both parties, a ridiculous dispute about an insignificant island, not worth sixpence to either power. Yet I have no doubt the transaction will be approved by Parliament, and thanks given for the happy termination of this silly dispute; for the Ministry may do what they please, and still meet with approbation. Never was there in the history of this country an Opposition so formidable as the present was last winter, in the space of twelve months so broken, melted down, and discomfited as this has been. Never was there a more sudden and total change of sentiment than appears at present with regard to the Opposition, who seem to have effectually convinced the impartial world that they were equally, at least, destitute of principle with those they opposed, and had no manner of intention to serve the public, but merely to aggrandize themselves.

We absolutely depended upon it that the Mohegan cause would have been finished during the recess, as it had been agreed at the last hearing it should; but the Speaker (without whom nothing could be done), having got down to his country seat, could not be prevailed upon to come up to town till it was too late, and we are now referred to the next recess. Such is the hard fate of those who depend, for the despatch of affairs, on the caprice of these men in power, who seem to have no feelings for their fellow subjects, but think they are appointed to offices and employments solely for their own benefit, and are under no sort of obligation to do the business of their offices, if it at all interferes with their own convenience and amusements. Every effort shall be exerted to get it finished at the next opportunity, but if it be further postponed I trust I shall be excused if I leave it, as I cannot think of staying longer here (unless the affairs of the Colony should appear to be particularly pressing) than this spring; and everybody must be convinced that it is their intention to delay this cause till the parties are wearied out with the contest.

It is hinted that, since the dispute with Spain is adjusted, they may perhaps resume the consideration of American affairs, and particularly of the charters; but I rather think those intimations are not well founded, and that we shall pass this session without any particular notice.

As I knew not exactly what money of the Colony was in Mr. Jackson's hands, nor the amount of Mr. Life's account, (though I knew it must be large,) I could not in my last, with any precision, answer your question with regard to money; but upon inquiring of Mr. Jackson and Mr. Life, they both tell me a further considerable sum will be wanted before the cause is through. I am happy in seeing that the Assembly have generously made provision for it, and doubt not you will remit it as soon as you

have opportunity. I some time ago mentioned to Colonel Chester my having, while we were destitute of money, expended in the service of the Colony part of his money in my hands, amounting to about £325 sterling, and that it would be very agreeable to me if government would be so good as to pay him, and take his order upon me for that sum. I have not heard from him upon the subject, but wish it may have been found agreeable and convenient to the Colony and to him to have adopted that idea; and am, with perfect esteem and respect,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

Indorsed, "Received May 8th, 1771."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, March 15th, 1771.

SIR,—So little has occurred of late worthy of your attention, that I omitted writing by the last packet, in hopes I should by this time be able to give you some material intelligence relative to the Mohegan cause; but can yet only tell you that the Lord President assures us he will appoint the earliest day, for the further hearing, on which the Speaker can be disengaged from his necessary attendance on the House of Commons.

The general state of things here is extremely calm. The Ministry, in perfect plenitude of power, seem to wish for nothing so much as to possess that power in peace, and to continue undisturbed in their offices. To this end, they avoid, as far as possible, everything that may tend to awaken the attention, to unite the force, or increase the strength of that Opposition they have so surprisingly and so unexpectedly vanquished and dissipated. The

leaders of the remaining Opposition, on the other hand, leave no means untried, by popular motions and spirited harangues within doors, and by warm essays and bold publications without, to keep up the spirits and add to the numbers of their party. Their most assiduous endeavors, however, seem to be hitherto attended with little success. The people, finding themselves much at ease, under no actual or immediate oppression, and unmindful of the future, seem to be weary of political contests, and turn all their attention to the pursuits of wealth, amusement, dissipation, or pleasure, as their several inclinations lead them. As in nature, so in politics, a dead calm has succeeded a most furious storm, and all are intent upon repairing the losses they have sustained, or enjoying the acquisitions they have made, while the tempest raged. The proceedings in Parliament (the standard of everything in the political world) have been by no means so interesting as to afford me any excuse for troubling you with a particular detail of them. The convention with Spain, as we expected, was approved by both Houses, and an address of thanks voted to the Throne for obtaining so honorable and ample a satisfaction for the affront which it had received. The majority in favor of it, though abundantly sufficient for the Ministry, was not, however, so large as it has been upon all other occasions. Many of the army, navy, contractors, &c., who were sure to have profited by a war, could not easily be induced to thank the Crown for accepting a convention which deprived them of the sure means of acquiring wealth and fame. Besides the general question respecting the convention, the Opposition moved and debated, on several days, divers other collateral questions, relative to the proceedings touching Falkland Islands, and upon the Spanish papers, all tending to impeach the conduct of Administration in that business, which, after all, had no other effect than to show the great superiority of their antago-

nists. Since that, they have made a faint attempt to revive the question of the Middlesex election. There has also been much debate upon what is called the Nul-lum Tempus Bill, or an act limiting the prosecution of Crown claims to sixty years, which originated from a dispute between Sir James Lowther and the Duke of Portland, in which the Opposition were apparently in the wrong, wishing, by an *ex post facto* law, to affect private property. Another ground of litigation has been the right of the city of London to the soil, and the extent of their conservancy of the river Thames; which was occasioned by their opposing an embankment of the river, and the erecting of a splendid set of buildings, at a place called Durham Yard, which, though very disagreeable to the city, will be supported by Parliament. The rights of jurors to determine both the law and the fact, in trials for libels, has been another subject of discussion, which they have, at last, left where they found it. And they are now most warmly combating upon the subject of punishing the printers for publishing their speeches;—or, rather, for making speeches for them, for they are very little like those delivered in the House, and most of them perfectly fictitious. Upon this occasion they have had two very long debates, one of which continued till five, and the other till six, o'clock in the morning. They have taken several printers into custody, some have absconded, and some boldly set them at defiance. Most of the House, I believe, wish they had not taken up so disagreeable a business; but since they have engaged in it, think it necessary to go through with it, and it is probable some punishments will be inflicted. Besides these matters still in agitation, we are told several patriotic motions will be made, as for Triennial Parliaments, a Place Bill, &c., &c.; but it is evident enough they must all come to nothing, and even many who will espouse them do not, I believe, at bottom, wish they should suc-

ceed. The agitating of them will, however, serve some purposes of Opposition ; at least that of teasing the Administration. No very great matters, upon the whole, I believe, are to be expected of this session, and with regard to America, in particular, it is the general opinion that nothing should be done at present. It is enough that they know that goods are going out there, this spring, to the amount of more than a million sterling, and that they know, too, (by their own experience,) the wonderful political effects that luxury can produce.

I have the honor to be, with the greatest respect and esteem, sir, your most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.

I had scarcely finished the above, when a new scene of political contention arose, which has very greatly disturbed the repose we were in, is become the subject of much warm altercation, and may produce very considerable consequences. Some of the printers having refused to obey the order of the House for their attendance, the speaker issued his warrant for apprehending them, and the King (at the request of the House) published a proclamation offering a reward of fifty pounds for their apprehension. One was taken up under the proclamation, and another seized by the messenger of the House, on the Speaker's warrant. They were carried before the Lord Mayor and the Aldermen Wilks and Oliver, who declared the proclamation and the arrest under the Speaker's warrant both illegal, dismissed the printers, bound over the messenger to the Sessions for an assault and false imprisonment, and, upon his refusing to give bail, actually signed a warrant for committing him to gaol. The grounds they went upon were, a franchise of the city, granted by one of their charters and confirmed by act of Parliament, importing that no process shall be served in the city but such as issues from their own

magistrates, and is executed by their own officers, and an opinion that the House of Commons have no right to order any persons before them but their own members. This, however, threw the House into a flame ; they considered it as a high breach of privilege ; the Lord Mayor and Oliver were ordered to attend in their places, being members, and Wilks at the bar. Wilks refused to attend at the bar, wrote a letter to the Speaker demanding his seat as member for Middlesex, then retired into the city, and still sets them at defiance. The Lord Mayor and Oliver being before the House, and refusing to make any submission, after several days' violent debate, were both committed to the Tower, where they are visited by vast numbers of people, and appear to be very happy in their confinement. While the matter was in agitation, they were daily attended to and from Westminster by very numerous bodies of people, who surrounded and filled all the avenues to the House, tumultuously applauding those members they esteemed their friends, and insulting their foes, as they passed to and from the House. On Wednesday last, Lord North, at the door of the new passage to the House, was seized in his chariot, the chariot broken, and his person severely maltreated by the mob, and he with difficulty escaped out of their hands, covered with dirt, his arm wounded, &c. Indeed, had not Sir W. Meredith and some other gentlemen come seasonably to his assistance, it is probable he would have been torn to pieces, and perished on the spot. The King himself, the next day, going to the House of Lords to give his royal assent to such bills as were ready, was also hissed, and very highly insulted by the populace. The House have appointed a numerous committee to inquire into the causes of these riots and tumults, with a view to discover and punish those who have excited or encouraged them. The city are in a high ferment at the imprisonment of their magistrates, and will give the

House of Commons all the trouble they can. The Ministry are sincerely sorry this business of the printers was at all moved, but say they must, at all events, vindicate the honor of the House. What they will do with Wilks, or how the affair will end, does not yet appear, and I remain your Honor's most obedient, humble servant,

W^M SAM^{LL} JOHNSON.

BRIDGE STREET, March 30th, 1771.

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

Hon. Jonathan Trumbull, Esq.

WESTMINSTER, June 4th, 1771.

SIR, — After the most unexpected and incredible delays that perhaps ever attended any cause, we are at length come to a further hearing with the Mohegan Indians. It begun yesterday, when we went through the evidence, and Mr. Dunning began his argument; it is discontinued to-day only as being the King's birthday, when everybody must be at Court, and will be resumed to-morrow, so that I trust in a few days I shall see an end of this very tedious affair. Whether it will be favorable or adverse we have yet no means to determine, and can only say we have done everything possible to secure the first, while we have but too much reason to apprehend the latter. Be it whichsoever it shall please Providence to direct, I hope I shall soon have the honor to wait upon you with a full account of it, and in the mean time shall continue to do the best I can, in every respect, for the true interest of the Colony, the only object of my solicitude. There is not a single article of news worth relating to you. The Lord Mayor and Alderman Oliver very quietly returned from the Tower upon the prorogation of Parliament, and all the political world have been

ever since surprisingly at peace. We have not even a newspaper controversy, except between Mr. Wilks and his late friends, Mr. Horne, &c., who are now lashing each other, if possible, with greater keenness and acrimony than they lately attacked the Ministry. This bitter contest of the Opposition amongst themselves leaves the Administration in perfect peace, and affords them no small amusement. Which of these two subdivisions of Opposition will carry their point it is difficult to determine, though it seems most probable that Mr. Wilks will obtain the Sherifalty of London, which is one immediate object of the contention. However the dispute ends, it is most certain that both parties will very greatly suffer by it, if not be absolutely ruined, in the public opinion. I have given due attention to the information and directions you have favored me with in yours of the 15th of January last, for which I return you my sincere thanks, and am with the most perfect esteem and respect,

Your Honor's most obedient and most humble servant,

WM SAM^{LL} JOHNSON.

Indorsed, "Received August 8th, 1771, per Hartford Post. Paid postage to Hartford, 4/6."

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.

The Hon. Jonathan Trumbull, Esq., Governor of Connecticut at Lebanon in Connecticut, New England.

WESTMINSTER, June 12th, 1771.

SIR, — I have now to acquaint you that the hearing of the Mohegan cause ended yesterday. Their Lordships have not yet rendered judgment, nor given us any intimation what it will be, nor when they will give it. I hope it may be in a few days, that I may bring with me an account of their determination; but as it can be of very little importance that I should be present at the render-

ing of it, or when we hear what it is, and all other affairs relative to the Colony are in as good a situation as I can expect to leave them in, I think it my duty, as soon as possible, to return to America; and have accordingly engaged a passage in the ship *Lady Gage*, Captain Kemble, who proposes to sail for New York in three weeks or a month. Though passages at this season of the year are usually rather long and tedious, yet we may hope, God willing, to arrive by the middle of September, and at furthest, I depend, by the permission of Providence, to have the honor and happiness to pay my respects to you at the meeting of the General Assembly in October.

The day after I wrote you last, viz. the 5th inst., the Queen (whom everybody loves) was happily delivered of a prince. The Earl of Halifax, Principal Secretary of State, died on Saturday last, and I expect will be succeeded by Lord Suffolk, which will occasion some new arrangements amongst the Ministers, but will make no alteration in political affairs in general. All things are very quiet, except in the city, where the canvass and contest for the Shrievalty is proceeding, as I mentioned to you, with great spirit. I have only to add that I am, with the greatest respect and esteem,

Yonr Honor's most obedient and most humble servant,

W^M SAM^{LL} JOHNSON.¹

Indorsed, "Received 30th August, 1771."

¹ This letter ends the official correspondence of Mr. or Doctor Johnson, as he was called, from London with the Governors of Connecticut, under his commission from the General Assembly, of October, 1766. The end of the Mohegan Case had now been reached. It had dragged its slow length along in the Privy Council, wearying the patience of Dr. Johnson, who was anxious to return home. He attended at the Cockpit the final hearing of the cause, Tuesday, June 11, 1771, "and if," says Dr. Beardsley, "the verdict proved not entirely in favor of the Colony, it was not a victory for the heirs of Mason. He made immediate preparations to return to America, . . . and sailed from Gravesend for New York on Saturday, the 3d of August, and at seven o'clock in the evening of the first day of the following

WILLIAM SAMUEL JOHNSON TO JONATHAN TRUMBULL.¹

LONDON, March 14th, 1767.

SIR,—I have deferred writing you since my arrival here, in hopes that by still farther observation and inquiries I should be able to give you some tolerable account of the plans and intentions of government, both with respect to this country and America, as well as fix a period when we might expect a trial of the Mohegan cause; but can yet do neither, and will upon so uncertain prospects delay no longer the pleasure of paying my respects to you.

Lord Chatham is considered here as the head of the Ministry, and is supposed to have the conduct of affairs; he was, however, unhappily detained in the country by the gout, and all affairs of government dragged heavily on, in expectation, however, that his arrival, which was every day expected, would give life and vigor to the whole system, and produce some measures beneficial to the public. Meantime, variety of schemes were talked of with respect to the heavy taxes of this kingdom: the

October he was safe at his home in Stratford." Here he quietly lived during the Revolution which followed, enjoying his studies, as he could not, from his moderate views, conscientiously take part in the war against England. He was by profession a lawyer, and had rendered his State important service in her councils. In 1787 he was appointed the first President of Columbia College, New York, after its organization as the successor of King's College, of which his father, Samuel Johnson, had been President. Dr. Johnson died in 1819, on the 14th of November, two months after he had reached his ninety-second birthday. See "Life and Times of William Samuel Johnson, LL.D., . . ." by E. Edwards Beardsley, D.D., LL.D., (New York, 1876,) pp. 85, 86, 112, 129, 181. — EDS.

¹ This letter was discovered among the miscellaneous letters of the Trumbull collection, too late to be inserted in chronological order. It bears no address, but it was probably written to Jonathan Trumbull, at this time Lieutenant-Governor. Though not belonging strictly to this series of official letters to the Governors of Connecticut, and though repeating somewhat the political gossip contained in the letter to Governor Pitkin, of near date, we have thought best to give the letter a place here. — EDS.

scarcity and exorbitant price of provisions ; for the better regulation of America ; for the settlement of the affairs of the East India Company, &c., &c. Nothing, however, was actually proposed, much less effectually pursued : all was reserved for the arrival of Lord Chatham. In this state I found affairs when I came here, and in this situation they continued till the acting Ministers, unable to delay longer, found it necessary to bring on the consideration of the supplies, and, amongst other things, proposed that the Land Tax should be continued at 4/ in the pound. This occasioned a warm debate in the House, and it was finally carried for 3/ against the Ministry, by a large majority ; which showed their want of weight in the House, and threw them into the utmost confusion. This point was decided on Friday, the 26th of February. Lord Chatham came to town the Sunday following, and for ten days afterwards the Ministers did nothing but quarrel amongst themselves. At first it was said that Lord Chatham would somehow bring on the affair again ; and then, that he put a good face upon it, and said it was perfectly right that the Land Tax should be abated, but blamed the Ministers that they did not propose the reduction themselves. They differed too in opinion upon the proposals made by the East India Company ; Secretary Conway and Charles Townsend, Chancellor of the Exchequer, were chagrined, and every circumstance portended a change in the Ministry. At length, however, it seems a peace was patched up amongst them, the storm has blown over for the present, and things are now pretty quiet at Court. All agree, however, that the public affairs are in an unhappy situation, every one solicitously taking care of himself, no one of the public ; and it seems as if this would prove but a barren sessions of Parliament. The East India affair at present engrosses all their attention. I need not tell you, I presume, that the question is, whether the Company can by their charter hold the immense territory

they have acquired in India. Lord Chatham, it is said, insists they cannot, but that it belongs to the Crown; or, if they could, that it has been obtained by the aid of government, and they must at least have a share. The Company offer 500,000 per annum, by way of composition. Mr. Conway and Charles Townsend would accept this, or at least treat upon it. Lord Chatham will not, but insists upon trying the right. The House have ordered the papers to be printed. It is a subject of great altercation, and how it will end cannot be foreseen, though the general opinion is that a composition will finally take place.

One comfort we Americans may derive from all the contentions and confusions here: that while they are thus immersed in cabals, and so busy about their own affairs, they will not probably have leisure to contrive anything very mischievous to America, towards which many are however enough disposed. We have reason, too, I think, to wish the present Ministry may be permanent, because there seems no great reason, in case of a change, to expect the last set will be restored; and should Mr. Greenville and his friends step in, it is certain they are implacable towards us. And from the best intelligence I can get, the leading members of the present set are determined no violent measures shall be taken with regard to us. Mr. Conway, especially, I should be loath to part with, who seems to have very just notions of America, to be mild and moderate in his temper, reasonable and accurate in his inquiries, and sincerely desirous to unite both countries, in affection as well as interest. But certain it is that we have unhappily lost many friends since last winter. Great pains have been taken to irritate the people of England against America, especially the freeholders, and to persuade them that they are to pay infinite taxes and we none; they are to be burdened that we may be eased; and, in a word, that the interests of

Britain are sacrificed to those of America. The merchants, too, are grown very cool in their regard towards us, partly because they have not received the remittances they expected since the repeal of the Stamp Act, and because they think we did not, as they say, express proper gratitude to them for the service they did upon that occasion. Mr. Ray told me the other day, that from most of the Provinces, and particularly Connecticut, they had not received even answers to their letters; though I assured him I knew such letters were prepared, and I believed forwarded. The New York petition (relative to their trade) offended many, and their conduct in refusing to billet the troops, more. And, to complete the whole, Sir H. Moor has assured the Ministry, in a letter which was laid before the House, that they must not expect that obedience will ever be paid in America to an act of Parliament, unless they have a military force there sufficient to enforce it. So that, from these and other concurrent circumstances, we have, upon the whole, greatly lost ground. Yet I thank God we have still many firm friends, and, as I have already said, am pretty well assured that while the present Ministry continue nothing very grievous will be done. Mr. Greenville, however, loses no opportunity to attack us, and reproach the late Ministry as having given up the honor of the nation; he has also a considerable party who adhere to him, and, in the unstable situation of things here, stands no very ill chance of raising himself again to power. Many who are not unfriendly to America flatter themselves that, if this event should happen, he would not in fact be so great an enemy to America as he now appears to be; but for my own part I fear everything from him, and would deprecate his advancement to the conduct of affairs as the worst of evils that could happen to my country. Which opinion I found upon what I have several times heard from his own mouth in the House,

and what has fell from his friends in conversation. Upon the whole, quiet, prudent, steady measures should be pursued in America, and in that case I trust we shall be tolerably safe.

As to the Mohegan Case, I have the satisfaction to find it lies under as good circumstances as we could expect. The arguments relative to the irregularity and unreasonableness of such a method of determining titles to lands, and the equity and expediency of terminating by an effectual dismissal a controversy which has been so long and so warmly litigated, at such infinite expense, and now suffered to sleep so long since the last appeal, are pretty fairly open to us. And should we be driven to a trial upon the merits, good use, I think, may be made of the idea of conquest, which you have so often and so advantageously mentioned. A brief is prepared upon the previous question, and ready for Sir Fletcher Norton's perusal and attention, which in a few days we hope to engage; but when we shall have opportunity for an argument upon the subject is not so easy to foresee. The President of the Council, upon whom all depends in that court, is an old and infirm gentleman, not very able to attend the trial of causes, and is beside enough concerned in the present disquietudes and cabals of the Court to engross all the attention he is able to give to business. He has not sat this winter, nor given any intimations when he intends it. Meantime, among other persons of consequence to whom I have spoken upon the subject, I have had opportunity to state the whole case to one Privy Councillor of the first rank, who was pleased to assure me that he would certainly attend the trial whenever it should come on, and hoped to find the cause as just as I had represented it to him. This, however, for more reasons than one, I think, should not be mentioned to any of Mason's friends.

I am also soliciting the affair of the College; but its

best friends give me little encouragement to hope for success, both from the badness of the times here in general, the ill temper at present prevailing with respect to America, and the very late applications in behalf of Mr. Wheelock's school, which have prospered exceedingly, and exhausted the bounty of well-disposed persons for the present. I do not, however, absolutely despair, but shall make farther and repeated applications. This I have not hinted to anybody else, and leave it with you to mention or suppress it, as you think best.

There is no material foreign news. Our Court, it is said, is not upon good terms with that of Portugal, nor are we in the best humor with the Dutch; but both these disputes, it is thought, will be accommodated without much difficulty.

I know you must be weary of this long letter; yet, since the conclusion was rather favorable to the Colony, I will detain you long enough to tell you that, in an audience which I had of Lord Shelburne this morning upon the affair of the New Hampshire lands, after I had despatched that particular business, I led on to a general conversation upon American affairs, which his Lordship readily took up, and dwelt long upon it, saying it was his favorite theme. I do not mean to trouble you with the particulars of the conversation. But, in general, he said no man was, or could be, a better friend to America than he was; and he should be always attentive to her interests, which were inseparably the true interests of this country also; but he could not be answerable for the consequences of the step New York had taken with respect to the troops, which, he must say, was at best very imprudent at this critical juncture; yet he hoped no violent measures would be pursued, &c., &c. But when I represented to him the circumstances of the Colony of Connecticut, — its loyalty, good behavior, and decent conduct upon all occasions, — and begged leave to recommend it

to his protection, &c., he was pleased to say: "That Colony, sir, from what you now acquaint me with, and from all I have heard before, I must esteem as a well-regulated, virtuous, and prudent Colony, and as such they may always depend upon my friendship and regard." This might be the language of the courtier, though spoken with all the appearance of sincerity; yet it gave me pleasure (as I know it will you) to have so much reason to think that we stand well in the opinion of the Minister who at present has the principal conduct of American affairs. With compliments to your son (several of whose old acquaintance here have inquired after him in a very friendly manner), to Colonel Dyer, Major Williams, and all friends, I remain, with the greatest regard and esteem,

Your Honor's most obedient, humble servant,

WM SAM^{LL} JOHNSON.

The moment I had sealed my letter, I received intelligence that the Council have adopted the idea of forming a settlement in the Illinois country or upon the Ohio, and referred it to the Board of Trade to consider of and form a plan for carrying it into execution; so that General Lyman is now in a very good way, and will probably write his friends more particularly what expectations are given him upon this occasion. This system of extending settlements into the Indian country is adopted in view to ease the Crown of the enormous expense of Indian affairs, and with intention to devolve it, as formerly, upon the Colonies, — to do what they think necessary or expedient towards preserving peace with them. Will not this also furnish the Colonies with an additional argument against their keeping up an army in America, the chief pretence for which has been the fear of these Indians, who are now, it seems, to be delivered over to the care and attention of the Colonies?

LETTERS

OF

LIEUT. JEDEDIAH HUNTINGTON.



LETTERS.

JEDEDIAH HUNTINGTON¹ TO JONATHAN TRUMBULL.

WRENTHAM, 12 o'clock, Wednesday [26 April, 1775].

HONORED SIR, — Yesterday morning I had between one and two hundred men pretty well equipped ready to move, and moving, towards our great army at Cambridge, when I received authentic intelligence that they were not wanted at present, upon which I ordered them to wait further orders before they proceeded; now find that most of the Connecticut troops are on the return. Rhode Island are to raise 1500 men. Lower House were unanimous in the measure except the members from Newport. The Governor, Deputy-Governor, and two of the Council only dissented in the Upper House, and have protested; a copy of which, taken in haste, I now transmit, as it may possibly reach you sooner by this express than any other way, and may serve to confute a story which I found was gone into our Colony, that there were great divisions in the Assembly. I had the pleas-

¹ Colonel, afterwards General, Jedediah Huntington, of Norwich, Connecticut, son of Jabez, was born in 1743, and graduated at Harvard College in 1763. He was now on his way to join the army before Boston, and, as will be seen by the letter immediately following this, arrived at Cambridge on the evening of the 26th of April. Here he found General Putnam, who had preceded him. These few letters, with two or three exceptions, are addressed to Governor Jonathan Trumbull, whose daughter Faith he had married. Being stationed at Roxbury, his regiment was not in the action at Bunker's Hill on the 17th of June. He was in the battle of Long Island, and served during the remainder of the war. For notice of him see F. M. Caulkins's *History of Norwich*, p. 417. It may be added, that several of these letters are already printed in Force's "*American Archives*." — Eds.

ure of spending a few minutes with Governor Ward¹ this morning: he says, among other encouraging things, that his friends in the Southern Provinces have very lately wrote him with the strongest assurances of the good preparations making in those parts for a defence by arms.

In haste, I am your dutiful son,

JED. HUNTINGTON.

Indorsed, "Enclosing Protest of Gov^r, &c. of Rhode Island."

PROTEST OF GOVERNOR WANTON AND OTHERS OF
RHODE ISLAND.

WE the subscribers, professing true allegiance to his Majesty, King George the Third, beg leave to dissent from the vote of the House of Magistrates for enlisting, raising, and embodying an army of observation of fifteen hundred men to repel any insult or violence that may be offered to the inhabitants, and also, if it be necessary for the safety and preservation of any of the Colonies, to march them out of the Colony to join and co-operate with the forces of our neighboring Colonies.

Because we are of opinion that such a measure will be attended with the most fatal consequences to our charter privileges, involve the Colony in all the horrors of a civil war, and, as we conceive, is an open violation of the oath of allegiance, which we have severally taken upon our admission into the respective offices we now hold in the Colony.

J. WANTON.

D. SESSIONS.

THO^S WICKES.

W^M POTTER.

¹ The late Governor of Rhode Island, Samuel Ward. — Eds.

N. B. The Lower House were all in the vote for raising men except the New Port members.

Indorsed, "Protest of the Governor, D. Governor, and two Assistants of Rhode Island, 1775."¹

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL, JR.

Mr. Jonathan Trumbull, Junr.

CAMBRIDGE, Thursday, 27 April.

DEAR SIR, — I came into this place through Roxbery last evening; find great numbers of troops, or rather armed men, in much more confusion than I expected, but perhaps with as little as possible in this disordered State of the Massachusetts. Most of the soldiers here are inhabitants of this Province, who are now enlisting in a regular manner. General Ward is at Roxberry; General Putnam is Commander-in-Chief at this place. They have both of them too much business upon their hands. I wish our general officers as soon as appointed might immediately repair to head-quarters; they will at this crisis of Provincial politics be very cordially accepted, and be of eminent service. The Committee of Safety, who are the *primum mobile* in the military movements, are crowded with business. It is expected by many that the inhabitants of Boston will have leave to come out this day with their effects, provided they leave their arms and provisions: it is said that pork sold there, yesterday, for a pistareen per pound, and milk for a pistareen per quart. Many are suspicious that the General intends to deceive them till he gets

¹ In the Rhode Island Colony Records, VII. 311, this document bears date, "Providence, April 25, 1775." — Eds.

possession of their arms. An experienced engineer deserted the Castle the 25th inst. Mr. Josiah Quincy is arrived from London in a very low state of health, and not expected to live.¹ The Restraining Act is come by the same ship. The reinforcements from England were not to sail till the middle of April. I will if possible enclose you a Salem paper. I expected to have seen Brother Joseph by this time.

Your affectionate brother,

JED. HUNTINGTON.

Indorsed, "27th April, 1775. Colo. Jed. Huntington to Mr. Jonth. Trumbull, Junr."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To the Hon. Jonathan Trumbull, Esq., in Lebanon. Per Post.

CAMP AT ROXBURY, 10th August, 1775.

HONORED SIR,—I received your favor per post yesterday. Am much obliged for the commissions and the intelligence respecting the men-of-war, &c. off New London. I hope the worst consequence of their appearance will be the loss of ammunition that will be dealt out upon the occasion. There has been an affray between the man-of-war at Cape Ann, and the inhabitants.² The former had taken a vessel from sea, which the latter retook, and secured the cargo and vessel; afterwards two more in like circumstances; and gave the man-of-war so good a beating as to induce her to leave the port, but not without destroying and

¹ Mr. Quincy died on the 26th of April, a few hours before the vessel in which he was a passenger entered the harbor of Gloucester. — Eds.

² See Gordon's History of the American Revolution, II. 96, 97. — Eds.

damaging a few houses. I hope my brother will be successful in procuring the flour he is gone to purchase; the Connecticut troops, whose provisions are thrown into common stock, do not like it very well that they are to help eat up a large quantity of rye purchased for this Province. The new regulations in this camp, in many things, give uneasiness; but I hope and believe that, when the Commissary-General has got his channels open, supplies will flow regularly and in plenty: at present they have not that provision which the Colony stands engaged for. All my companies are in, except Tyler's, Rowley's, and Lyon's. Part in tents, others in houses for want of tents. This day a return is to be made to head-quarters of all our covering, upon which I expect better provision will be made in that article. Our dangers are increasing: it behooves our land, and the army in special, to have their eyes upon God and trust in him. I desire your prayers that I may be faithful. My love to mother, son, &c., and am

Your dutiful and affectionate son,

JED. HUNTINGTON.

Indorsed, "10th August, 1775. Colo. Jed. Huntington, received 12th August. Cape Ann affair."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To the Hon. Jonathan Trumbull, Esq., in Lebanon.

ROXBURY CAMP, 14 August, 1775.

HONORED SIR, — There is the ensigncy in my own company vacant. I have one Mr. Newell in Major Clark's company to fill it, if it is agreeable. I am told

three of my companies are ordered to New London. I hope they will soon join the regiment, consistent with the public safety. The army is very sickly, but there are not many deaths; Captain Chester has had thirty-one of his company in the hospital together. Our medicine-chests will soon be exhausted. As soon as the supply of powder expected arrives, I imagine General Putnam will knock up a dust: he has got one floating battery launched, and another on the stocks.

I remain, with proper respects to all,

Your dutiful and affectionate son,

JED. HUNTINGTON.

Indorsed, "14th August, 1775. Colo. Jed. Huntington, received 16th instant from Norwich per Woodstock."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To the Honorable Jonathan Trumbull, Esq., Lebanon. Per Post.

ROXBURY CAMP, 17 August, 1775.

HONORED SIR,—I have your esteemed favor of the 14th August. I could wish to have my companies join the regiment, but I submit willingly their disposition to the public service. If the Ministerial troops do not leave us before some works are finished, which are near completed, and a supply of powder is in, I expect we shall be ordered to begin the salute. I am glad to hear my wife has made you a visit; hope she will be able to visit you often. There is not proper and sufficient provision made for our sick, and some other necessary matters I could wish the Governor and Council would order General Spencer to see that it be done. Many of our sick are in a suffering condition

for want of house room, &c. Many of our soldiers might as well be at home as here, whose arms are out of order, no armorers established. I have made frequent applications for iron, but cannot obtain any. If the officers here had authority to procure such things as the public service absolutely requires, it would, I trust, be quickly and prudently done; but we are not willing to do much of our own heads. Brother John will be in my mess. The post calls. I conclude with that I am most respectfully your dutiful and affectionate

JED. HUNTINGTON.

The enemy are now endeavoring to molest our people at work near Lamb's Dam by cannon and bombs.

Indorsed, "Received 19th inst." — EDS.

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To the Honorable Jonathan Trumbull, Esqr., Lebanon. Per Col. Champion.

ROXBURY CAMP, 25th August, 1775.

HONORED SIR, — I have your favor of the 21st inst. I have told Doctors Turner and Cogswell to make out a state of circumstances of their department. As to armorers, I have just received some tools from Norwich; and a general order was out yesterday to the quartermaster to make necessary provision. Hope now, though late, to have my arms in good order. I was aware of difficulties you would have in filling vacancies from the many competitors: there always will be. I wish the fittest may ever succeed. My brother Eb: is not without some essential qualifications; he has in several instances whilst at this camp exhibited evidences of his courage. Poor Tracy,

my adjutant, is very dangerously sick, and unable to attend to any business; I fear will not recover; for the present Lieut. Hillyer of Capt. Humphry's company, an old soldier, a sensible man, and good scholar, officiates as adjutant. I shall likely continue him if Tracy fails, which will make a second lieutenancy vacant. I am unwilling to interfere much in appointments; I should think the General would be more so. I have been impatient at the slow progress of our movements at the northward, but believe all for the best. Hope to see my brother paymaster's letter, mentioned in yours. My regiment has been very sickly, and is much so yet, but think the sickness is abating. The old soldiers say my companies came into camp at a season that always proves sickly to new troops. I don't know any one now dangerous but Mr. Tracy. His and Mr. Fanning's sickness has thrown more business on my hands than I could have wished, but I have been so happy as to enjoy much health myself. I remain, with salutations of love and duty, your affectionate son,

JED. HUNTINGTON.

Saturday Morning, 26th.

Not having opportunity to forward this, I add that yesterday four boats from the Castle and men-of-war below came up to Fox Point in Dorchester, sounding the channel. They were fired at by our troops on that station, and made a speedy departure. We have been told that our enemies have for some time past been toasting the 25th August, intending then to make a visit to us, and that General Gage has given Earl Percy the command of the lines on the Neck, who is to exhibit such proofs of his military abilities as will retrieve the honor he lost at the Lexington affray. But matters remain this morning *in statu quo*. I took leave of Ensign Tracy last evening expecting next to hear of his death, to which he seems

to be well reconciled, and expresses a good hope as to another life.

	Fit for Duty.	Sick Present.	Absent on Command and Sick.	On Furlough.	Total of Privates.	Dead.
By return of my regiment the 25th						
there were . . .	286	101	42	1	430	5
General Spencer's . .	586	132	98	37	853	14
“ Parsons's . .	539	123	35	10	780	3

Indorsed, “Received 28th, pr. Col. Champion.”

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To Governor Trumbull.

CAMP IN ROXBURY, 6th September, 1775.

HONORED SIR,—I have your esteemed favor of the 4th September. Observe that provision is made for Mr. Dyer. I this day hear of the death of my first lieutenant. I strongly recommend my second lieutenant, Mr. Jonathan Brewster, to succeed; he is an officer I set as much by as any one in the regiment, although there are so many worthy men among the number. A secret expedition is on foot under the command of Col. Arnold; a draft is to be made of about 1100. Col. Enos, Major Meigs, Major Bigelo, Capt. Hanchet, Doctor Turner, are of the party. I call it a *secret* expedition; but it is become, like many others, known to everybody. The design is against Quebec by the way of Kennebeck River. Should Doctor Turner go, I shall be left without any surgeon but Doctor Holmes. Doctor Waldo of Pomfret is discharged, and gone home on account of his ill state of health. Doctor Waldo of Coventry has been here some time, at my desire, administering to the sick. His assistance

has been much needed, and will be more so when Turner is gone. Waldo will expect something to depend on upon the pecuniary score if he continues any longer. We are this night making approaches towards our enemies on the Neck: expect they will show their resentment.

Thursday Morn.

Three separate intrenchments were thrown up last night which will cover our out sentries and advanced night parties. No opposition made. Nothing farther to detain you. I remain, with suitable regards to all,

Your dutiful and affectionate

JED. HUNTINGTON.

Indorsed, "Received 9th."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To the Hon. Jonathan Trumbull, Esqr., Lebanon. Per favor Mr. Gray.

ROXBURY CAMP, 9 September, 1775.

HONORED SIR,—I should be glad that my second lieutenant, Mr. Jonathan Brewster, might succeed Lieut. Kingsbury, and my first sergeant, Mr. Ebenezer Perkins, have the ensigncy in my company. The second lieutenancy I could wish Mr. Simeon Huntington would accept. I want officers of a military spirit. Many are appointed who are worthy men, but very indifferent in camp. I once mentioned Mr. Newel to fill Mr. Tracy's place in my company, but as there will be an opening in Capt. Humphry's company, I think it best on some accounts that, if he is promoted, it should be in that company. The appointments for my company which I have mentioned, I think, will be for the service of the regiment. I would not wish to have it known to any one what I say as to want of good officers. Doctor Church tells Doctor Turner there

are to be brigade surgeons appointed by the Continental Congress, and that he will recommend Doctor Turner for one of them. If you should think proper to say anything in the Doctor's favor it may be of much service to a man very valuable in his place. My love and duty to the family, &c. I remain,

Most affectionately,

JED. HUNTINGTON.

Indorsed, "Received 16th."

JEDEDIAH HUNTINGTON TO JABEZ HUNTINGTON.

Master Jabez Huntington.

ROXBURY CAMP, 21st September, 1775.

DEAR CHILD, — It gives me satisfaction to hear from you and to write to you, especially as you seem desirous of profiting by my letters. It is of great importance to you that good impressions be made on your mind at this time of life. You must always keep in remembrance, that God created you for his own glory; and whenever you are going to do anything, think whether you shall honor God or dishonor him, and take care to perform the former and avoid the latter. To this end you are to look to him for grace. There is a promise made to children which is better than what all your friends on earth can do for you. God has said, "They that seek me *early*, shall find me." Give my love to your mamma when you see her, and to your uncles and aunts; duty to grandpas and grandmas; respects to Master Tisdale.

From your affectionate parent,

JED. HUNTINGTON.

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To the Hon. Jonathan Trumbull, Esq., in Lebanon. Per Post.

ROXBURY CAMP, 21st September, 1775.

HONORED SIR, — I have your favor per post enclosing the commissions for Brewster and Perkins. We were called upon in yesterday's orders from head-quarters to apply for our Continental commissions. Some officers are suspicious they shall be holden in service during pleasure of Congress if they accept them. However, I believe they will not be so cautious as the soldiers are, who in general decline signing the Continental Articles of War, lest they should be retained thereby longer than the term of their first engagements. It will be agreeable to me to see the other part of my regiment, but am sorry it must be with the necessity of further exertions of our Colony for its own and the common safety. How free has she been with men and money for the public cause! Surely there is a reward for her. I am astonished that anything in the General's letter should bear a construction injurious or dishonorable to Connecticut, as it seems by brother D.'s letter to brother Major is the case.¹ I am gratified whenever I can do any service to brother Jack. My love and duty to mother, &c.

I remain your dutiful and affectionate

JED. HUNTINGTON.

Indorsed, "Received per Loomis, 23d Sept."

¹ See Stuart's Life of Jonathan Trumbull, Sen., pp. 207, 208. — Eds.

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To Governor Trumbull.

ROXBURY CAMP, 5th October, 1775.

HONORED SIR, — I am much obliged to you and father Huntington for the information I have concerning my wife. Her own letter was not explicit enough, though was able to gather from it that she was not in usual good health, which gives me much trouble and concern. I feel myself in great straits. The numberless applications for furloughs lately have rendered it dishonorable to ask leave of absence from the army. The General is troubled that so many officers — and principal ones, too — are willing to leave the service on one occasion and another. Indeed, it has given me not a little concern to find some, not a few, ready to sacrifice our most important cause to interest, prejudice, pique, and other gratifications; and yet it is with the utmost uneasiness I can stay from Mrs. Huntington in her indisposition. If the journey to Wethersfield which is proposed does not take place, or is not beneficial, I could wish to meet her at Dedham. I think a journey will be very serviceable. If you think best upon the receipt of this and the then circumstances at home that I should come, I will come immediately, and also soon wait upon you at New Haven, if desired. I shall with much impatience wait to hear further from her whose life, health, and happiness is so intimately connected with my own.¹ I am

Your dutiful and affectionate son,

JED. HUNTINGTON.

¹ Colonel Huntington's wife, with a party of young friends whose curiosity had been excited by the novelty of military scenes, visited the army before Boston. She joined her husband at Roxbury, and witnessed some of the horrible realities of war of the 17th of June. Being a woman of deep

General Howe succeeds General Gage ; his commission was published in Boston yesterday. General Clinton is to command at Bunker Hill.

The regiment which I have the honor to command was mustered yesterday by the Muster-Master-General, and were well spoken of by him. I now have four muster-rolls for each company to see completed, and certificates to sign agreeable to the 57th Article of the Rules and Regulations of the Continental Army. It will be a business of two or three days to have them [*torn*] and accurately done. This will prevent my coming home so early as you desire ; otherwise, I believe I should immediately apply for leave of absence. My anxiety increases with every line I write.

Indorsed, " Received 7 Oct."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

The Hon. Jonathan Trumbull, Esquire, in New Haven. Per Post.

ROXBURY CAMP, 19th October, 1775.

HONORED SIR,—His Excellency, General Washington, has discharged at their desire three of the officers of my regiment ;—Lieut. Terrel of Ripley's company, Ensign Markham of Ellsworth's, and Ensign Stoughton of Humphry's ; and I have promoted Lieut. Hillyer of Hum-

and affectionate sensibility, writes her brother, the moment of her visit was most unfortunate. She saw too clearly the life of hardship and danger upon which her husband and a favorite brother had entered, and it overcame her strong but too sensitive mind, and she became deranged. This is the story as told by her brother, John Trumbull, in his Autobiography, p. 22. She returned to her home in Norwich ; but, at the suggestion of her husband in this letter, she came on to Dedham, where he joined her, and where she died, 24th November, 1775. See Stuart's *Life of Jonathan Trumbull, Sen.*, pp. 194–196. — Eds.

phry's to the Adjutancy, which makes four vacancies in the whole. The principal officers of the regiment have desired me to recommend them to be filled up in the following manner, in case blank commissions are not sent to me. I believe the disposition will be generally agreeable, and for the service of the regiment. Ensign Abraham Wright of Major's company to be 2d Lieut. in the 4th company (Humphry's), vice Lieut. Hillyer. Sergeant Jonathan Humphry, Junr., of the 4th, to be Ensign, vice Ensign Stoughton. Sergeant Simeon Newell of the Major's (that is, the 3d) company, to be Ensign, vice Ensign Wright. Ensign Nathaniel Bingham, of Lieut. Col. Douglas's company to be 2d Lieut. of Ripley's (which is the 10th), vice Lieut. Chamberlain, to be promoted to the 1st Lieutenancy, vice Lieut. Terrell. Sergeant John Kinsman, of Col. Douglas's, to be Ensign, vice Ensign Bingham. Sergeant Solomon Makepeace, of the 5th company (that is, Elsworth's), to be Ensign, vice Ensign Markham. We have many fears concerning the Commissary-General of our army, who we just hear is dangerously sick at your house.¹ The universal satisfaction he has given in his station and in private life fills every one with much anxiety for his recovery. The night before last, one of our floating batteries was much damaged by the bursting of a cannon; two men killed and several wounded. We had three fine floating batteries, two in Cambridge and one in Mistick River, — two of them remain good yet; and about twenty flat-bottom boats that will carry near one hundred men each, besides a number of whale-boats. What is to be done with them I know not. Our enemies continue their defensive operations. They have taken down the

¹ This was Joseph Trumbull, the oldest son of the Governor, and brother-in-law of Colonel Huntington. He recovered from this illness, but died June 27, 1778, aged forty-two. He was the first Commissary-General of the United States. — Eds.

buildings not far from the Haymarket, South End of Boston, and made an opening from water to water, and are busily raising batteries. All the articles of news from the other side of the water are full of threats. All appearance of a reconciliation between this country and Great Britain, commonly though erroneously called the Mother Country, is vanished out of sight. The breach is daily widening. I begin to think the Golden Age of New England is past, — that she will enjoy no more of her good days such as she has seen, till the time comes when there will be none to hurt or destroy in all the holy mountain. With most dutiful respects,

I remain your affectionate son,

JED. HUNTINGTON.

Indorsed, "Received at New Haven."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To Governor Trumbull.

CAMP AT ROXBURY, 14th January, 1776.

HONORED SIR, — I have your esteemed favor of the 8th inst., and would devoutly join in your petitions that the hand of the Almighty in his public and private dealings may be properly and profitably attended to. God has indeed appeared for our land, contrary to all human reasoning. The principles and hopes of our enemies have failed them. The King's speech, threatening as it is, yet betrays in almost every sentence the imbecility of his measures. The Ministry, it seems, have still a morbid majority. It will give the minority new spirits, that so eminent and respectable characters as the Duke of Grafton, General Conway, and Bishop of Peterborough are added to their number; and before this time the King's affairs in Canada will look with a dark aspect.

Boston papers are nowadays something of rarities. I

enclose you one for your amusement. The lengthy address in it animadverting on the address from our headquarters to the soldiers has inserted one sentence very erroneously. "Your officers tell you," he says, "that men who are possessed of a vivacity," &c.; the word *not*, which is essential to the meaning of the sentence, is left out.

As light as they make of the burning two or three old houses at Charlestown, they have pulled down the three or four that escaped the flames. The troops in Boston were under arms all night.

I have alighted upon some old proclamations in the house where I am. As they are old things, and the productions of eminent men, I have had thoughts of sending some of them to you.

Recruits come in slowly; the regiments on average are not more than 400 strong. We have, however, more men than arms.

By brother David's letter to the Major, the situation of affairs at New York requires immediate attention. That Colony has hitherto been, and I fear will forever be, a moth to us. I almost wish its capital was in ashes.

I send my love and duty to mother, brothers, and sisters, and a letter to son. I long to embrace the offspring of my dear companion. I implore the Divine mercy that he may by his improvements and dutifulness make some amends to his grandparents for the loss of their lovely daughter, that he may be a blessing to his friends and the world; above all, that his name be written in heaven; that you may experience much of the presence of the Father of Lights carrying you through the important business of your station, and have occasion to rejoice in the happy fruits of your care and labor.

I am, with all duty and affectionate regards,

Your bereaved son,

JED. HUNTINGTON.

Indorsed, "Received 20th instant, per Loomis."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

The Honorable Jonathan Trumbull, Esq., in Lebanon.

CAMP AT ROXBURY, 22d January, 1776.

HONORED SIR, — I enclose you copy of General Orders providing arms, &c. Have sent Lieut. Huntington to purchase for my regiment. As the time allowed him by the orders is short, I fear he will not be able to look up many among individuals, from whence I suppose they must come. If he should be so happy as to find a considerable number together, he may accomplish the business by the time. He is directed to procure one hundred, which I hope will be sufficient with what the soldiers will furnish themselves. I have ordered him to let you know what success he meets with, that you may take such measures for a supply as you shall think proper and necessary.

We much lament the death of the brave General Montgomery; hope it will be rightly improved by the army there and here. The impatience of the soldiers, and perhaps of the subordinate officers, was the immediate cause of it. It will teach us — and there is too much need of the lesson — not to depend on an arm of flesh. Please to give my love and duty to mother, son, brother, &c.

I am most affectionately and dutifully yours,

JED. HUNTINGTON.

Bro^r Major desires to be remembered.

Indorsed, "Received per Lt. Huntington."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To Governor Trumbull.

ROXBURY CAMP, 15 February, 1775[6].

HONORED SIR, — Since I wrote you last, there has been much talk of attacking the strong fortress of our enemies.

It has all along been said by the army and others, that when the season should make a good bridge of ice, then would be the time to rout our enemies. We have had such an opportunity, but were not prepared to improve it. Many, however, would have been glad to have engaged in the enterprise, as circumstances were. A cannonade and bombardment will now be attempted, but I fear with little effect, and that finally we must be content to remain in our present state. But all is for the best. The defeat at Quebec may eventually be to the advantage of our cause. The time the news of it got into Boston was opportune; it happened to be published in their paper just as Admiral Graves was sailing for England, that General Carleton was twelve hundred strong in the city, and our army only twelve hundred; this will probably make the Ministry easy as to an early reinforcement, which might otherwise be expected. However, I judge that object will not be in the least neglected by us. I wish a part of this army might be spared to strengthen our posts at the northward. Some sensible, experienced officers in the army are of opinion that a brisk cannonade with carcasses and shells will render the town so disagreeable as to oblige the enemy to abandon it. How happy would such an event be! In that case, and Quebec in our hands, this army only might, properly disposed, be sufficient to defend our whole extensive coast, backed as it is by a good militia. Much blame has been thrown on our guard at Dorchester, on occasion of the late excursion of the enemy there, and burning a few desolate houses, but I hear General Ward approves their conduct. I understand the General has importunately asked for what powder you can supply him, which I hope will be granted.

My love and duty to mother and all as is one, and am

Your dutiful and affectionate son,

JED. HUNTINGTON.

JEDEDIAH HUNTINGTON TO JABEZ HUNTINGTON.

To Master Jabez Huntington, Lebanon.

ROXBURY CAMP, 16 February, 1776.

DEAR SON, — I wrote you the week before last by Mr. Miner, of Norwich, which I suppose he left at your Grandpa Huntington's, to be forwarded to you, since which there has not anything happened at camp; therefore I have no news to tell you at this time, only that I am well, as are your uncles.

I want to see how much you are grown these last six months, and how much you have improved in your learning and behavior. Be industrious to lay up a good stock of useful knowledge, which you can easily get in your present situation; and be desirous of getting it, not only for the pleasure and profit it will bring you, but for the sake of doing good with it to others. Be always ready to do kind things to your fellow creatures. By and by, if you have anything to spare to those who want charity, you will be asked for it; and I hope you will give according to what you have. But even now you can be charitable; that is, you can be kind and obliging. I will give you an instance. Suppose you should see good old Mr. Alden, who, you know, is blind, walking without a guide towards a deep ditch or some deep water, and you should run and lead him out of the danger, you would do the old gentleman more real kindness than if you had your hand full of money to bestow. So, if you have a disposition to oblige, you will find a great many opportunities to exercise it.

17th. — I have received your letter, dated the 12th of this month. I am sorry for your uncle David's misfortune. Hope he will be well soon, as I know he will be much poorer than your old cat if he is obliged to sit all

his time by the fire. Give my love to him, to grandma, and all.

From your affectionate parent,

JED. HUNTINGTON.¹

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To Governor Trumbull.

ROXBURY CAMP, 19th February, 1776.

HONORED SIR, — If a fair occasion should present itself, in the course of your correspondence with our worthy Commander-in-Chief, and you should think proper, to mention Major Chester as a fit person to fill any suitable place that may be vacant in the army, I think it will serve our cause and oblige the General, who is very desirous that persons of character and military spirit should be nominated for offices. Many of a very different spirit have, by some means or other, got into the army.

The sickness which for three weeks past has much prevailed in our camp, and been very mortal, is now abating. Every now and then some one breaks out with the small-pox; but this has not been mortal.

Three of our sentries, who were taken by the enemy in their late excursion to Dorchester Point, were brought out by a flag of truce, and delivered up to us this day. The others who were made prisoners at the same time, the officers on the lines say, do not choose to come out. But why they have permitted any to return to us is a matter of speculation.

¹ Colonel Huntington's son, to whom two or three of his letters of parental advice are here addressed, was now nine years old. He became a useful and respectable man, was deacon in his church and president of the Norwich Bank, dying in Norwich in 1848, at the age of eighty-one years. See F. M. Caulkins's *History of Norwich*, p. 417. — Eds.

A vessel from the West Indies to this continent has been lately cast away on Cape Cod: cargo and people saved. Among them is a gentleman who says he is a Prussian officer, and is lately from France; appears to be well acquainted with the history of our times; says the French papers are full of the American affairs, and that every success of ours gives them joy.

The bearer, whom I should have mentioned in the beginning of my letter, is Mr. Hooper, of North Carolina, one of the delegates of Congress, an old and particular acquaintance of brother Jonathan's.

My love and duty to mother, son, &c.

I subscribe, your affectionate son,

JED. HUNTINGTON.

Indorsed, "Per Wm. Hooper, Esq. Received 27th ———."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To the Honorable Jonathan Trumbull, Esq., in Lebanon.

ROXBURY CAMP, 6th March, 1776.

HONORED SIR, — I have two of your much esteemed favors since I wrote you last. You will have had before this the circumstances of our taking possession of Dorchester. We hoped our enemies would meet us there; but as the weather was, it could not be. If we are not able to draw them out of their fastnesses, I don't see what we can do to get rid of them. Our offensive efforts, I imagine, affect them but little. We have been frowned upon in the loss of several of our largest mortars, the fine one taken by Manly among the rest. I have all along expected some remarkable interposition of Divine Providence in our favor, that our dependence on all human means might appear vain. We have

now such works on Dorchester Hills as will put the bravery and art of our enemies to a severe trial, if they take them from us. Perhaps an attempt will be made to draw them out Chelsea side. Since our fortifications are increased, the necessity is increased of subduing or driving away the enemy, as it will require so great a number of men and constant vigilance to maintain all the posts we now possess, which are all nearly alike important. I heartily mourn the loss of that eminently learned and pious divine, Dr. Williams. You must be greatly affected with his death. No measure can be made of the friendship of so agreeable and valuable a man. I never knew what it was to sorrow till my best earthly friend was taken away from me. I devoutly wish that my improvements in goodness, love, and friendship to her parents and relations may bear some proportion to those qualities which shone in my lovely companion, that we may be prepared for the period of our continuance here, be matured for the enjoyment of our ascended Saviour, and in the highest degree partake of the society of our departed dear ones.

I have not time to write to my dear son, but shall not neglect him long. If my life is spared, I will not fail to give you particulars of any occurrences worth communicating. In mean time I remain, with tenders of love and duty to you, mother, son, and all,

Yours most affectionately,

JED. HUNTINGTON.

Indorsed, "Received 18th *Vespere*."

JEDEDIAH HUNTINGTON TO JABEZ HUNTINGTON.

Master Jabez Huntington, in Lebanon.

ROXBURY CAMP, 14th March, 1776.

DEAR SON,—I have now a prospect of visiting you and all my friends, as it is expected that our army will march to the westward; how long a visit I shall make I cannot tell you, but I shall make it as long as ever my duty in the army will allow of. I received your letter of the 26th February, in which you informed me of the languishing state of Doctor Williams, since which I hear he is gone from this world of pain and sorrow; his death, though it is great gain to him, is a very great loss to you and all who had the happiness to sit under his ministry; he was the best, or at least one of the best, of preachers. I hope his place will be filled up soon by some worthy man that will make good his predecessor's ground. My love to your grandpa and 'ma, &c.

From your affectionate parent,

JED. HUNTINGTON.

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To the Honorable Jonathan Trumbull, Esq., Lebanon, per Roger Perkins.

NORWICH, 29 March, 1776.

HONORED SIR,—I got into town last night just after you left. Was sorry I had not been a little earlier, that I might have seen you. I want to see my little son much, and understand he is in want of clothes;—have sent Roger for him. Intend to wait on you and family very soon. My love and duty to mother, brother David, &c.

I am, with most hearty affection, your son,

JED. HUNTINGTON.

Indorsed, "29th March, 1776, Colo. Jed. Huntington. Received idem, per Roger."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To the Honorable Governor Trumbull, Lebanon, per favor Colo. Pitkin.

NORWICH, 1st April, 1776.

HONORED SIR, — I purposed to see you this day, but the weather is not so good as I could wish. I have been exercised with a very bad cold and cough ever since the 5th of March, and am fearful of bad weather: the first good I shall improve. A visit to Lebanon, which used to afford me great pleasure, must now be grievous. Bro. Jack I left pretty well, — had something of a cold. It will fall to his Brigadier to bring up the rear of the army. He desired leave to come home with me, but could not obtain it. I trust it will not be long before you will have a short, if not a long, visit from him. My love and duty to mother, &c.,

And am yours most affectionately,

JED. HUNTINGTON.

Indorsed, "1st April, 1776. Colo. Jed. Huntington. Rec^d idem, ante 10 o'clock. A. M., per Colo. Pitkin."

JEDEDIAH HUNTINGTON TO JONATHAN TRUMBULL.

To the Honorable Governor Trumbull, Lebanon, per Roger.

[NORWICH, April 8, 1776.]

HONORED SIR, — Mr. Leffingwell is very sorry he has not the pleasure of waiting on you in company with General Washington. The General will take bed at Col. Jz. Huntington's.¹ I have told the General I expected you down. It will much gratify him and all of us if you can do us the pleasure of your company. The General

¹ Colonel Jabez Huntington. — Eds.

intends for New London to-morrow, where he expects to meet Admiral Hopkins. We will sup late, or breakfast late, if you conclude to come. I wish brothers would attend you.¹

Yours most affectionately,

JED. HUNTINGTON.

Three o'clock, Monday.

Indorsed, "Three o'clock, 8 April, 1776. Colo. Jed. Huntington's invitation to breakfast with General Washington."

¹ Governor Trumbull responded to this invitation of his son-in-law, and came on to Norwich, a distance of some ten miles, where he had an interview with General Washington. Washington had left Boston on the 4th of April, and proceeded, via Providence, Norwich, New London, &c., to New York, where he arrived on the 13th. Colonel Huntington also proceeded thither with his regiment, and continued to address letters from the army to Governor Trumbull. — EDS.

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